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**HANSARD'S
PARLIAMENTARY DEBATES,**

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

43° & 44° VICTORIÆ, 1880.

VOL. CCLIII.

COMPRISING THE PERIOD FROM

THE FIFTEENTH DAY OF JUNE 1880,

TO

THE EIGHTH DAY OF JULY 1880.

SECOND VOLUME OF THE SECOND SESSION.

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1880.

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After short debate, it being ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

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Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending on the 31st day of March 1881, the sum of £4,925,320 be granted out of the Consolidated Fund of the United Kingdom.

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To leave out from the word "That" to the end of the Question, in order to add the words "having regard to the Reports and proceedings of two Select Committees appointed by this House, Mr. Bradlaugh be not permitted to take the Oath or make the Affirmation mentioned in the Statute 29 Vic. c. 19, and the 31 & 32 Vic. c. 72,"—(*Sir Hardinge Giffard*,)—instead thereof.

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Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Mac Iver*):—[The Motion, not being seconded, was not put:—Amendment, by leave, *withdrawn*.

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—o—	
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924

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935

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938

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950

After short debate, Motion amended, and *agreed to*.

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RESOLUTIONS—	
<i>Moved</i> , That for the week beginning 5th July the woolack be placed at the north end of the House; that the Lord Chancellor do sit facing the Throne; that the cross benches be placed where the woolacks now are; and that all standing orders and regulations inconsistent with this motion be suspended while it is in force,—(<i>The Earl Beauchamp</i>) 1086	
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That it is expedient that a platform be temporarily and inexpensively erected on either side of the House below the Bar according to a plan prepared by Mr. G. M. Barry in 1868 for the better accommodation of the reporters now in the gallery.—(<i>The Earl Beauchamp</i> .)	
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After long debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Lord Randolph Churchill</i> :)—Question put, and <i>agreed to</i> :—Debate <i>adjourned</i> till Monday next.	
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Sale of Intoxicating Liquors on Sunday (Wales) Bill—

Moved, "That the Bill be now read a second time,"—(*Mr. Roberts*) .. 1167

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Fixity of Tenure (Ireland) Bill [Bill 144]—

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EARLDOM OF MAR—RESOLUTION—

Moved to resolve, "That, in accordance with the Resolution agreed to by this House on the 14th June last 'That it is incumbent upon this House to rescind their Order of 26th February 1875, which ran as follows, viz.: 'That at the future meetings of the Peers of Scotland assembled under any Royal Proclamation for the election of a Peer or Peers to represent the Peerage of Scotland in Parliament, the Lord Clerk Register, or the Clerks of Session officiating thereat in his name, do call the title of Earl of Mar according to its place on the Roll of Peers of Scotland called at such election, and do receive and count the vote of the Earl of Mar claiming to vote in right of the said earldom, and do permit him to take part in the proceedings of such election,' the said Order be rescinded, and that intimation to that effect be made to the Lord Clerk Register of Scotland,'"—(*The Earl of Galloway*) 1215

Amendment moved,

To leave out all the words after "That" for the purpose of inserting the following words: "further consideration has led this House to consider that it would be inexpedient to rescind the Order of the 26th February 1875, which was made after the House had resolved and adjudged that Walter Henry Earl of Kellie Viscount Fenton Baron Erskine and Baron Dirleton in the Peerage of Scotland had made out his claim to the earldom of Mar in the Peerage of Scotland created in 1565, as consequential to such resolution and judgment, and that to rescind an Order so made in relation to a right to a Peerage adjudged after long investigation, and which Order has been acted upon at several elections of Scotch Peers, without any further inquiry and unsupported by any new evidence, would be contrary to the practice of this House and establish an objectionable and dangerous precedent,"—(*The Earl of Redesdale.*)

After debate, on Question, "That the words proposed to be left out stand part of the Motion?" their Lordships *divided*; Contents 52, Not-Contents 80; Majority 28.

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MOTION.



PARLIAMENTARY AFFIRMATION—RESOLUTION—

Moved, “That the Orders of the Day be postponed until after the Motion relating to the Parliamentary Affirmation,”—(*Mr. Gladstone*) .. 1261

After short debate, Motion *agreed to*.

Moved, “That every person returned as a Member of this House, who may claim to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, shall henceforth (notwithstanding so much of the Resolution adopted by this House on the 22nd day of June last as relates to Affirmation) be permitted, without question, to make and subscribe a solemn Affirmation in the form prescribed by ‘The Parliamentary Oaths Act, 1866,’ as altered by ‘The Promissory Oaths Act, 1868,’ subject to any liability by statute,”—(*Mr. Gladstone*) 1267

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “this House cannot adopt a Resolution which virtually rescinds the Resolution passed by it on the 22nd day of June last,”—(*Sir Stafford Northcote*),—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question:”—After long debate, Question put:—The House *divided*; Ayes 303, Noes 249; Majority 54.

Division List, Ayes and Noes 1342

Main Question proposed.

Amendment proposed,

To add the words “Provided always, That this Resolution shall apply to persons hereafter returned as Members of this House,”—(*Mr. A. M. Sullivan*.)

Question put, “That those words be there added:”—The House *divided*; Ayes 236, Noes 274; Majority 38.—(*Div. List, No. 35.*)

Main Question put, and *agreed to*.

Moved, “That the Resolution be a Standing Order of the House,”—(*Mr. Gladstone*.)

Question put, and *agreed to*.

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ORDER OF THE DAY.

Relief of Distress (Ireland) Bill [Bill 244]—

Order read, for resuming Adjourned Debate on Question [24th June],

“That the Bill be now read a second time:”—Question again proposed:

—Debate resumed

1347

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months,”

—(Mr. Dodds.)

Question proposed, “That the word ‘now’ stand part of the Question:”

—After short debate, *Moved*, “That the Debate be now adjourned,”

—(Mr. Gladstone:)—After further short debate, Question put, and agreed to.

Moved, “That the Debate be adjourned till Saturday,”—(Mr. Parnell:)—

After short debate, Question put:—The House *divided*; Ayes 22, Noes 62; Majority 40.—(Div. List, No. 36.)

Debate adjourned till Monday next.

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INTEMPERANCE—REPORT OF THE SELECT COMMITTEE—Question, Observations, The Earl of Onslow; Reply, The Earl of Fife:—Debate thereon

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CYPRUS—THE HARBOUR OF FAMAGUSTA—Question, Observations, The Duke of Somerset, Lord Lilford; Reply, The Earl of Kimberley; Observations, Viscount Cranbrook

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NAVY—THE TYPE OF TRAINING SHIPS—Question, Observations, The Earl of Ravensworth; Reply, The Earl of Northbrook

1383

COMMONS, FRIDAY, JULY 2.

Mr. CHARLES BRADLAUGH, one of the Members for the Borough of Northampton, made and subscribed a solemn Affirmation

1386

CONTROVERTED ELECTIONS—BOROUGH OF THIRSK—

Judges' Certificate and Report read

1386

MOTIONS.

PARLIAMENT—TEWKESBURY WRIT—

Moved, “That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Tewkesbury, in the room of William Edwin Price, esquire, whose Election has been determined to be void,”—(Lord Richard Grosvenor)

1387

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the Writ be postponed till the Shorthand Writers' Notes of the Proceedings on the Election Petition are printed,”—(Sir George Campbell.)—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question:”—After short debate, Question put:—The House *divided*; Ayes 238, Noes 53; Majority 185.—(Div. List, No. 37.)

Main Question put, and agreed to.

PARLIAMENT—EVESHAM WRIT—

Moved, “That a New Writ be issued for the election of a Member for the Borough of Evesham, in the room of Mr. Daniel Rowlinson Ratcliffe, whose election has been determined to be void,”—(Lord Richard Grosvenor)

1395

After short debate, Motion agreed to.

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WAYS AND MEANS—INLAND REVENUE—THE INCOME TAX—Question, Mr. Northcote; Answer, Lord Frederick Cavendish ..	1399

ORDER OF THE DAY.

Employers' Liability (*re-committed*) Bill [Bill 209]—

Order for Committee read:—*Moved*, “That Mr. Speaker do now leave the Chair,”—(*Mr. Dodson*) .. 1399

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “no measure dealing with the Employers' Liabilities for Injuries sustained by their Servants can be accepted as a satisfactory solution of the question which admits, as a ground of defence in any action or proceeding brought for the recovery of damages or for compensation in respect to bodily injury or loss of life, that the person by whose negligence the injury or loss of life is alleged to have been occasioned was employed in a common employment with the person killed or injured,”—(*Mr. Macdonald*),—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question:”—After debate, *Moved*, “That the Debate be now adjourned,”—(*Mr. Staveley Hill*.)

After further short debate, it being ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

ORDER OF THE DAY.

SUPPLY—Order for Committee read; Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair:”—

CENTRAL AFRICA—ALLEGED OUTRAGES BY MISSIONARIES—MOTION FOR AN ADDRESS—Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “an humble Address be presented to Her Majesty, praying Her Majesty to take measures to prohibit British subjects, not commissioned by Her, from assuming rights of criminal jurisdiction over the natives of uncivilised countries, and perpetrating upon them acts of war; and praying Her further to cause communications to be entered into with the other Great Powers with a view to the protection of uncivilised tribes from acts of violence at the hands of persons not commissioned by the Government to which they owe allegiance,”—(*Dr. Cameron*),—instead thereof .. 1424

Question proposed, “That the words proposed to be left out stand part of the Question:”—After debate, Amendment, by leave, *withdrawn*.

MOTION.

RUSSIA AND BRITISH INDIA—Resolution, Mr. Ashmead-Bartlett 1448
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Bill considered in Committee [<i>Progress 18th June</i>]	1445
After long time spent therein, Committee report Progress; to sit again upon <i>Monday</i> next.	
<i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. William Edward Forster</i> :)—After short debate, Question put:—The House divided; Ayes 43, Noes 22; Majority 21.—(Div. List, No. 41.)	

LORDS, MONDAY, JULY 5.

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LANDLORD AND TENANT (IRELAND)—EJECTMENTS—MOTION FOR PAPERS—

<i>Moved</i> , "That there be laid before the House, Return in tabular form for each county, of the number of civil bill ejectments, distinguishing ejectments on the title from those for non-payment of rent, tried and determined in each county in Ireland for each of the three years ending 30th June 1880, exclusive of ejectments for premises situate in counties of cities, boroughs, and towns, under the Act 9th Geo. IV. chap. 82., or the Towns Improvement Act, 1854, or any local Act; also the number of persons re-admitted as tenants or care-takers:—Ejectments entered: on title; for non-payment of rent: decrees granted: decrees executed: dismisses: cases otherwise disposed of; stay put on decrees: re-admitted as tenants or care-takers.	
"Also, Return, in tabular form for each county, of the number of actions of ejectments in superior courts commenced, distinguishing ejectments on the title from ejectments for non-payment of rent, and those tried and determined in each county in Ireland for each of the three years ending 30th June 1880; and the number of haberes issued and the number executed in the same period; also, number of persons re-admitted as tenants or care-takers:—Actions commenced: on title; for non-payment of rent: actions tried: on title; for rent: number of haberes issued: number of haberes executed: re-admitted as tenants or care-takers.	
"And also, Return for each county for the three years ending 30th June 1880, of the number of land claims in which the court certified under section 9. of the Land Act, that the non-payment of rent causing the eviction had arisen from the rent being an exorbitant rent; and of the amount awarded in each case for disturbance,"—(<i>The Earl of Annesley</i>)	1613
After short debate, Motion (by leave of the House) <i>withdrawn</i> .	

Elementary Education Bill (No. 106)—

<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Lord President</i>)	1615
After short debate, Motion <i>agreed to</i> ; Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on <i>Thursday</i> next.	

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QUESTIONS.

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ORDER OF THE DAY.

Compensation for Disturbance (Ireland) Bill [Bill 232]—

- Order read, for resuming Adjourned Debate on Amendment proposed to Question [25th June], "That the Bill be now read a second time :"—
 Question again proposed, "That the word 'now,' stand part of the Question :"—Debate *resumed* .. 1640
 After long debate, Question put :—The House *divided*; Ayes 295, Noes 217; Majority 78.
 Division List, Ayes and Noes 1725
 Main Question put, and *agreed to* :—Bill read a second time, and *committed* for *Thursday*.

- Revenue Offices (Scotland) Holidays Bill—*Ordered* (Mr. James Stewart, Dr. Cameron, Mr. Richard Campbell); *presented*, and read the first time [Bill 254] .. 1729

LORDS, TUESDAY, JULY 6.

FURNESS RAILWAY CERTIFICATE, 1880—RESOLUTION—

- Moved* to resolve, That the certificate of the Board of Trade, authorising the Furness Railway Company to construct a railway in the township of Preston Quarter and parish of St. Bees in the county of Cumberland (a draft of which was laid before the House on the 25th of May last), ought not to be made,—(The Marquess of Huntly) 1729
 After short debate, on Question? *Resolved* in the *Negative*.

Union Assessment Committee (Single Parishes) Bill (No. 104)

- Moved*, "That the Bill be now read 2^a,"—(The Viscount Enfield) .. 1731
 Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

Representation of the People (Scotland) Act (1868) Amendment Bill (No. 103)—

- Moved*, "That the Bill be now read 2^a,"—(The Earl of Airlie) .. 1732
 Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

ENDOWED SCHOOLS ACT—THE KIRKHAM GRAMMAR SCHOOL—Observations, Lord Winmarleigh, The Duke of Richmond and Gordon; Reply, Earl Spencer 1733

ELEMENTARY EDUCATION—THE NEW CODE, 1880—THE FOURTH SCHEDULE—Question, Observations, Lord Norton; Reply, Earl Spencer :—Short debate thereon 1735

LANDLORD AND TENANT (IRELAND) — EJECTMENTS — Explanation, Earl Spencer 1747

Return, in tabular form, of the number of civil bill ejectments in each county, distinguishing ejectments on the title from those for non-payment of rent, tried and determined in each county in Ireland for each of the three years ending the 31st day of December 1879, exclusive of ejectments for premises situate in counties of cities, boroughs, and towns, under the Act 9th Geo. IV. chap. 82., or the Towns Improvement (Ireland) Act, 1854, or any local Act :—Ejectments entered: On Title; Non-payment of Rent: Decrees granted: Decrees executed: Dismisses: Cases otherwise disposed of.

Ordered to be laid before the House.

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CONTROVERTED ELECTIONS—TOWN OF LICHFIELD—

Judges' Certificate and Report read 1748

· P R I V A T E · B U S I N E S S .



FURNESS RAILWAY CERTIFICATE, 1880—RESOLUTION—

Moved, "That the draft Certificate of the Board of Trade now lying upon the Table, entitled 'The Furness Railway Certificate, 1880,' ought not to be made,"—(*Mr. Cavendish Bentinck*) 1749

After short debate, Motion, by leave, *withdrawn*.

Q U E S T I O N S .



PRISONS ACT, 1865—THE PLANK BED—Question, Mr. P. A. Taylor; Answer, Mr. Arthur Peel 1751

EDUCATION (IRELAND)—REMISSION OF RESULT FEES—Question, Mr. A. M. Sullivan; Answer, Mr. W. E. Forster 1752

O R D E R S O F T H E D A Y .



Employers' Liability (*re-committed*) Bill [Bill 118]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [2nd July], "That Mr. Speaker do now leave the Chair" (for Committee on the Employers' Liability (*re-committed*) Bill):—Question again proposed, "That the words proposed to be left out stand part of the Question:"—Debate *resumed* 1752

After short debate, Amendment, by leave, *withdrawn*.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Bill be referred to a Select Committee,"—(*Mr. Knowles*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Question put:—The House *divided*; Ayes 259, Noes 130; Majority 129.—(*Div. List, No. 43.*)

Question again proposed, "That Mr. Speaker do now leave the Chair."

It being ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

Customs and Inland Revenue Bill [Bill 221]—

Order for Committee read 1787

After short debate, Bill *considered* in Committee, and *reported*; to be *printed*, as amended [Bill 255]; *re-committed* for *Thursday* 15th July.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

M O T I O N S



ARMY (HIGHER RANKS)—RESOLUTION—

Moved, "That steps should at once be taken to reduce the active list of generals to the point at which it is adequate, and no more than adequate, to the actual requirements of the service of the Country,"—(*Mr. Trevelyan*) 1788

After short debate, Motion, by leave, *withdrawn*.

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MAINTENANCE OF MAIN ROADS—RESOLUTION—	
<i>Moved</i> , “That, in the opinion of this House, it is not just that the cost of maintenance of Main Roads should be wholly and entirely borne by the Local Rates,”—(<i>Mr. Richard Paget</i>)	1814
	[House counted out.]

COMMONS, WEDNESDAY, JULY 7.

ORDERS OF THE DAY.

Sea Fisheries (Ireland) Bill [Bill 135]—

<i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. Collins</i>) ..	1819
After long debate, Question put:—The House <i>divided</i> ; Ayes 125, Noes 172; Majority 47.—(Div. List, No. 44.)	

Agricultural Holdings (England) Act (1875) Amendment Bill [Bill 138]—

<i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. Chaplin</i>) ..	1859
After short debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till <i>To-morrow</i> .	

Parliamentary Disqualification Bill—Ordered (<i>Sir Eardley Wilmot, Mr. Alderman Fowler, Mr. Hicks</i>); <i>presented</i> , and read the first time [Bill 259] ..	1864
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Turnpike Acts Continuance Bill—Ordered (<i>Mr. Hibbert, Mr. Dodson</i>); <i>presented</i> , and read the first time [Bill 260] ..	1865
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Epping Forest Bill—Ordered (<i>Mr. Arthur Peel, Secretary Sir William Harcourt</i>); <i>presented</i> , and read the first time [Bill 261] ..	1865
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LORDS, THURSDAY, JULY 8.

THE RIVERS CONSERVANCY BILL—Observations , The Earl of Sandwich ..	1865
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Elementary Education Bill (No. 106)—

House in Committee (according to Order) ..	1866
Bill <i>reported</i> , without Amendment; and to be read 3 ^d <i>To-morrow</i> .	

RUSSIA AND THE PORTE—MR. GLADSTONE’S SPEECHES—MOTION FOR A RETURN—

<i>Moved</i> , “That there be laid before this House, Return of the numbers of killed and wounded in the late War between Russia and the Porte,”—(<i>The Lord Stratheden and Campbell</i>)	1866
After short debate, Motion (by leave of the House) <i>withdrawn</i> .	

TREATY OF BERLIN—GREECE AND TURKEY—RECTIFICATION OF THE FRONTIER—Question , Observations, The Earl of Dunraven, The Duke of Somerset; Reply, Earl Granville	1876
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North British Railway (Tay Bridge) Bill (by Order)—

<i>Moved</i> , “That the Bill be now read a second time” ..	1879
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Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months,”—(*Mr. Anderson.*)

Question proposed, “That the word ‘now,’ stand part of the Question : ”
—After short debate, Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to* :—Bill read a second time, and *committed* to a Select Committee of Seven Members, Four to be nominated by the House and Three by the Committee of Selection.

Moved, “That the Reports of the Court of Inquiry held by the direction of the Board of Trade, and also the Report of Mr. Rothery, on the Tay Bridge disaster, together with the evidence taken by that Court, be referred to the Committee,”—(*Mr. Chamberlain.*)

Amendment proposed,

At the end of the Question, to add the words “and that the Report of General Hutchinson to the Board of Trade, dated the 5th day of March 1878, relative to the opening of the Tay Bridge for passenger traffic, be also referred to the Committee,”—(*Sir Alexander Gordon.*)

Question proposed, “That those words be there inserted :”—After short debate, Amendment, by leave, *withdrawn* :—Main Question put, and *agreed to*.

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WAYS AND MEANS—THE WINE DUTIES—Question, Mr. Mac Iver ; Answer, Sir Charles W. Dilke	1894
NATIONAL SCHOOLS (IRELAND)—Question, Mr. Biggar ; Answer, Mr. W. E. Forster	1894
INDIA—THE FINANCIAL STATEMENT—Question, Mr. Birley ; Answer, The Marquess of Hartington	1895
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SCIENCE AND ART—THE ROYAL SCHOOL OF MINES—Question, Mr. Dillwyn; Answer, Mr. Mundella	1918
ARMY—HONORARY COLONELCIES—Observations, Mr. Childers	1918

MOTION.

PARLIAMENT—NEW WRIT FOR BERWICK-UPON-TWEED—

Order [6th July] read, for the issue of a New Writ for Berwick-upon-Tweed 1918

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a supersedeas to the said Writ for the Election of a Member to serve in the present Parliament, for the Town of Berwick-upon-Tweed,"—(*Lord Richard Grosvenor*.)

After short debate, Motion agreed to.

QUESTIONS.

PARLIAMENT—PUBLIC BUSINESS—Questions, Sir Stafford Northcote, Mr. Beresford Hope; Answers, Mr. Gladstone	1919
QUESTIONS BY PRIVATE MEMBERS—Question, Mr. J. Cowen; Answer, Mr. Speaker	1920
COMPENSATION FOR DISTURBANCE (IRELAND) BILL—Question, Mr. Tottenham; Answer, Mr. W. E. Forster	1921

ORDERS OF THE DAY.

Compensation for Disturbance (Ireland) Bill [Bill 232]—

Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. W. E. Forster*) 1921

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House considers that the Compensation for Disturbance (Ireland) Bill should be limited to the case of tenants on properties where evictions have taken place since the 1st day of November 1879,"—(*Mr. Pell*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Amendment, by leave, *withdrawn*.

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Compensation for Disturbance (Ireland) Bill—continued.

Question again proposed, “That Mr. Speaker do now leave the Chair :”—

After short debate, Question put, and *agreed to*.

Main Question put :—The House *divided*; Ayes 255, Noes 199; Majority 56.

Division List, Ayes and Noes 1987

Bill considered in Committee :—Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Wild Birds Protection Law Amendment (*re-committed*) Bill—

Bill considered in Committee 1991

After short time spent therein, *Bill reported*; as amended, to be considered upon *Monday* next.

Industrial Schools (Powers of School Boards) (Scotland) Bill—Ordered (Mr.

James Stewart, Mr. Cowan, Mr. Patrick); *presented*, and read the first time [Bill 263] 1994

TWENTY-SECOND PARLIAMENT OF THE UNITED KINGDOM.

COMMONS.

NEW WRITS ISSUED.

TUESDAY, JUNE 15.

For *Bandon Borough*, v. Captain Percy Brodrick Bernard, Chiltern Hundreds.

WEDNESDAY, JUNE 23.

For *Gravesend*, v. Thomas Bevan, esquire, void Election.

THURSDAY, JUNE 24.

For *Wallingford*, v. Walter Wren, esquire, void Election.

For *Buteshire*, v. Thomas Russell, esquire, who, having held a Contract entered into for the Public Service at the time of his Election for the said Shire, was incapable of being elected for the same.

WEDNESDAY, JUNE 30.

For *Plymouth*, v. Sir Edward Bates, baronet, void Election.

FRIDAY, JULY 2.

For *Evesham*, v. Daniel Rowlinson Ratcliffe, esquire, void Election.

MONDAY, JULY 5.

For *Bewdley*, v. Charles Harrison, esquire, void Election.

TUESDAY, JULY 6.

For *Berwick Borough* v. The Hon. Henry Strutt, now Baron Belper, called up to the House of Peers.

NEW MEMBERS SWORN.

WEDNESDAY, JUNE 30.

Bandon Bridge Borough—Richard Lane Allman, esquire.

THURSDAY, JULY 1.

Wallingford—Pandeli Ralli, esquire.

FRIDAY, JULY 2.

Gravesend—Sir Sydney Waterlow, baronet.

TUESDAY, JULY 6.

Bute County—Charles Dalrymple, esquire.

THURSDAY, JULY 8.

Dungannon—James Dickson, esquire.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE TWENTY-SECOND PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 29 APRIL, 1880, IN THE FORTY-THIRD
YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF SECOND SESSION 1880.

HOUSE OF LORDS,

Tuesday, 15th June, 1880.

MINUTES.] — PUBLIC BILLS — *Committee* —
Burials (73-86).

*Committee—Report—*Drainage and Improvement
of Lands (Ireland) Provisional Order * (77);
Glebe Loan Acts (Ireland) Amendment * (84).

*Report—*Settled Land * (81); Conveyancing
and Law of Property * (82).

*Third Reading—*Limitation of Actions * (61);
Solicitors Remuneration * (63), and *passed*.

BURIALS BILL—(No. 73.)

(*The Lord Chancellor.*)

COMMITTEE.

Order of the Day for the House to be
put into Committee, read.

Moved, "That the House do now re-
solve itself into Committee upon the
said Bill."—(*The Lord Chancellor.*)

VOL. CCLIII. [THIRD SERIES.]

EARL NELSON wished to ask the noble and learned Lord on the Woolsack, before the House went into Committee, what the position of those trusts would be in which graveyards had been specially granted to the Church of England on condition that the Church of England Burial Service only be performed therein, and where the graveyards were in the hands of trustees for the purpose of carrying out the donor's intention? He (Earl Nelson) knew of such a case occurring last year, and would like to hear the noble and learned Lord's opinion upon the matter.

THE BISHOP OF CARLISLE also wished to remark that they all knew that burial had two sides—one religious, and the other sanitary. The Bill proposed to deal with the religious side. Now, whatever happened with the Bill, whether it was passed in its present form, or with Amendments, or whether it was not passed at all, he thought, after what had taken place, those with

B

country parishes would find themselves in this position. Hitherto there had been practically no difficulty in getting people buried, because the owners of land and the clergy had been very kind and liberal in giving land for the enlargement of churchyards. But he thought he did not at all misrepresent the case when he said that, for evil or for good, they would not meet with that kind of liberality in future, and he wished to ask what they were practically to do with regard to getting people buried in country parishes? There were many places where churchyards should be shut up, and if the Home Office did shut them up, there would be no possibility of finding a place for the burial of the dead. This opened up a question of great practical importance, and it was obvious that the sanitary side of the problem should have their serious attention. By remedying what was considered the religious difficulty, they might be intensifying a sanitary difficulty, which was of infinitely greater importance.

THE LORD CHANCELLOR confessed that he did not share the anticipations of the rev. Prelate with regard to additional grants of land. He did not believe that any sensible effect would be produced with respect to those gifts. There were few among the landlords of England willing to grant land for burial purposes purely and narrowly denominational, who would not also grant it for purposes of a wider character. With regard to the larger question, as to the possibility of supplying new churchyards and new cemeteries when the old ought to be shut up, his own opinion was that, by passing this Bill, their Lordships would remove a very considerable obstruction out of the way of that operation, because the sanitary question would be no longer mixed up with questions of a quite different character, and there would be no jealousy of any steps which might be taken for real sanitary reasons on account of any controversial matter. He, therefore, thought that not only the existing Acts might be much more readily worked and put into operation, but also that the Government would find it more easy to review those existing Acts than when the religious difficulty stood in the way. He was not authorized to give any pledge on the part of the Government as to the time at which they would under-

take to review the existing Acts as to burial grounds; but he might confidently assure their Lordships that Government would not lose sight of that important subject. With regard to the Question of the noble Earl (Earl Nelson), he was glad to say that the noble Earl's views and his were precisely the same. It had been urged by some persons as an objection to the Bill, that it did not throw open to the Church the burial grounds of other religious denominations; but the Bill did not interfere with private burial grounds at all; it dealt only with those in which the parishioners or inhabitants generally had right of burial. He was not aware of there being at the present time any obstacle whatever to the creation of private trusts as to burial grounds for members of the Church of England any more than there was to the creation of such private trusts for the Baptists, or Wesleyans, or any other religious community; and if a trust had been created, as described by his noble Friend, he had no difficulty in stating his opinion that this Bill would in no way affect it.

LORD FORBES expressed regret if he had done wrong in not making his proposal that the Bill be referred to a Select Committee, which would have postponed the evil as long as he possibly could. It was a serious thing to deprive the Church of England of her rights and privileges, and give over her heritage to her enemies. He called their Lordships' attention to the fact that members of the Liberation Society regarded the churchyards as outworks of the Church of England, and did not conceal the certainty that when they had carried those outworks it was their intention to attack the citadel itself. He begged the Government, and the noble and learned Lord on the Woolsack, by the love he bore the Church, in a spirit not of anger but of sorrow, in the interest of the Church of England, to withdraw the Bill. He would admit that the noble Lords who had brought on the measure were actuated by the best spirit; but what they proposed would be most prejudicial to the interests of that Church.

Motion *agreed to*; House in Committee accordingly.

Preamble *postponed*.

Clause 1 (After passing of Act, notice may be given that burial will take place

in churchyard or graveyard without the rites of the Church of England).

On The Motion of The LORD CHANCELLOR, Amendments made, in page 1, line 7, by omitting ("person"), and substituting the words ("relative, friend, or legal representative"); and in line 9, for ("twenty-four") substituting ("forty-eight"); and after ("writing") adding ("in the form or to the effect of Schedule A annexed to this Act").

On the Motion of The Earl FORTESCUE, Amendment made, in line 9, after ("writing") by inserting ("plainly signed with the name and address of the person giving it").

THE EARL OF MOUNT EDGCUMBE, in rising to move, as an Amendment, the insertion in line 13, after ("or place") of the words—

"Where there is no unconsecrated burial ground or cemetery in which the parishioners or inhabitants have rights of burial,"

said, it had been urged that that Bill sought to establish religious equality for all denominations in the matter of interment; but much depended on how that expression was to be interpreted. If it meant that all were to have facilities for the use of their religious services at burials, that was a principle which all should support. But if it meant that all religious sects in this country, and others who did not belong to any religious communion whatever, were to have in future concurrent rights which were never exercised before in the property of the Church of England, that was a principle which must carry them far beyond the churchyards, and that was a claim which, in the interests of justice and constitutional principle, the Legislature was bound to resist. He admitted that the Dissenters had a grievance—although some thought it was a sentimental grievance—which could not be ignored. On the other hand, if that Bill passed, it would entail on the Church of England a grievance which many of the clergy had described as intolerable, while many others would feel it most keenly. The House was, therefore, placed in this difficulty, that it must consider which of these two grievances was the more serious one; and, as far as individuals and as laymen were concerned, he could not come to any other conclusion than that the exist-

ing grievance of the Dissenters was the more real grievance of the two. If Churchmen felt that it would be a grievance to them if a service different from that of their own Church should be held in their consecrated ground, although it did not affect their own interment or the interment of their friends, surely their feeling would be a much more painful one if they knew, as Dissenters did, that neither they nor their friends could be interred without a service in which they did not concur, or without a minister whom they did not recognize. He would, therefore, admit that the grievance of the Dissenter was the greater; but he deprecated the provisions of the Bill being enforced in places where a grievance did not exist. He held that they should only be applied in cases of necessity where there was no unconsecrated ground. He thought it was a dangerous principle not to give a man his rights; but it was a more dangerous principle to go beyond these.

Amendment *moved*, in page 1, line 13, after ("place") to insert—

("Where there is no unconsecrated burial ground or cemetery in which the parishioners or inhabitants have rights of burial.")—(*The Earl of Mount Edgcumbe.*)

THE LORD CHANCELLOR said, that the laity of the Church of England had a very great respect for the clergy, and he could not help thinking that if the clergy themselves viewed this matter with more dispassionate eyes, there would be little objection on the part of the laity. He quite agreed with the noble Earl (the Earl of Mount Edgcumbe) that the pressure of the grievance was much less severe where there were cemeteries and burial grounds other than the churchyards; but he still thought it would be very unwise to adopt the Amendment, which would tend to interfere with the beneficial operation of the measure as a settlement of the controversy. It would at once draw a line between parish and parish throughout the Kingdom. In one parish a Nonconformist would be able to avail himself of the provisions of the Act. In an adjoining parish a Nonconformist would not be able to do so. If the Amendment were adopted, all the controversies which it was sought to put an end to would continue; and he thought that if it was open to no other objection, that ought to be a suffi-

cient objection to it. The right rev. Prelate (the Bishop of Carlisle) had expressed a fear that the operation of the Bill as it stood might check the application of the provisions of the Burial Acts, for the creation of new public burial grounds, where they were wanted. He did not share that opinion; but the Amendment of the noble Earl would really have that effect, because Dissenters would be likely to object to the creation of new unconsecrated burial grounds, when it would have the effect of excluding them from the liberty in the use of the churchyard given them by this Bill. They would always feel it a grievance, if the Services of the Church were forced upon them when they desired to be buried with their friends.

THE ARCHBISHOP OF YORK said, the truth of the matter was, that this distinction between parish and parish would not be created to a greater extent than at present by the Bill—it already existed. What the Legislature now proposed to do was this. The Legislature had, at the expense of the ratepayers, provided equal burial grounds to meet the wants of both parties, and, while that legislation was to remain in force, it was proposed in this Bill to pass a Proviso to the effect that, besides burying in their own unconsecrated grounds, the Dissenters should use the consecrated grounds of the Church as much as they liked. Unless the Amendment were agreed to, there was great danger that the consecrated grounds would be very speedily filled up. Already a tendency in that way had been displayed, and sufficient time had not elapsed for ancestral associations to gather round the ordinary cemeteries. Even people who did not believe there was much in consecration would have their friends buried in consecrated ground, thinking that, if there did happen to be anything in it, they would do them greater honour by putting them there. This would result in a confiscation of Church property. The present law with regard to the cemeteries answered very well, and it was going too far to attempt to apply to them arguments which were only good as regarded churchyards, which stood on a totally different footing.

EARL NELSON pointed out, as regarded ancestral associations, that the claim of persons to be buried side by side with their ancestors had been set

aside before by the Sanitary Acts. In his opinion, a great hardship would be inflicted upon members of the Church of England if the Amendment were not accepted. It would be a great grievance to Churchmen that, while there was abundant room in the unconsecrated portions of the cemeteries, the Dissenters should, by claiming the right of burial in the consecrated portion of the ground, fill it up, as had been pointed out by the most rev. Prelate (the Archbishop of York). He further thought it would be unfair not to accept the Amendment in order to meet the circumstances of certain parishes, such as in the case of Ribchester, near Preston, where the old churchyard was closed 10 years ago; and another piece of ground was given to the church for a burial ground, there being at the time burial grounds for the Independents and the Roman Catholics. In this case it would be a hardship if all parties should, under the operation of the Bill, resort to the Church burial ground; therefore, he should vote for the Amendment.

THE EARL OF KIMBERLEY asked the most rev. Prelate (the Archbishop of York), would it be wise, by passing the Amendment, to allow an opportunity for ancestral rights to grow up, with their accompanying grievances? They would be perpetuating a small grievance among those whom they should seek to conciliate, by preventing them from being buried by the side of their relatives who might have been interred in consecrated ground. He hoped the Amendment would not be agreed to.

On Question? Their Lordships divided:—Contents 130; Not-Contents 106: Majority 24.

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Resolved in the Affirmative.

On the Motion of The LORD CHANCELLOR, Amendment made, in page 1, line 16, after ("without the"), by adding ("performance, in the manner prescribed by law, of the"), and omitting ("prescribed by law") after ("service").

LORD STRATHNAIRN moved an Amendment providing that the provi-

sions of the Bill should not apply to the burial of any person who had by word of mouth or writing publicly declared that he did not believe in God. He considered that it would be a very injurious thing to inter an Atheist in the burial ground of a Christian people. He could not agree with the so-called generous sentiment on this important subject.

Amendment *moved*, in page 1, line 20, at the end of clause insert—

("Provided always, that the provisions of this Act shall not apply to the burial of any person who shall have by word of mouth or writing publicly declared that he did not believe in God.")—(*The Lord Strathnairn*.)

THE LORD CHANCELLOR said, that at present such persons were entitled to be buried in the churchyard, and the real effect of the Amendment, taken in connection with other clauses in the Bill, would be the opposite of what was desired by the noble and gallant Lord, for it would be that every such person would have to be buried with the Service of the Church of England.

On Question? *Resolved in the Negative.*

On the Motion of The LORD CHANCELLOR, Amendment made, in page 1, line 30, after ("and") by adding ("a copy of it;") and, in same line by omitting ("given"), and instead thereof inserting the words ("be delivered or sent by post not less than twenty-four hours before the time appointed for such burial").

THE ARCHBISHOP OF YORK moved an Amendment, declaring that a graveyard within the meaning of the Act should not apply to any consecrated portion of a burial ground of which some portion had been left unconsecrated, nor to any consecrated burial ground in a place where one or more unconsecrated grounds were also provided under the Act.

Moved, to leave out the last paragraph of the clause, and insert—

("But such power of giving notice of burial shall not apply to any consecrated portion of a burial ground formed under the Acts fifteenth and sixteenth Victoria, chapter eighty-five, and sixteenth and seventeenth Victoria, chapter one hundred and thirty-four, of which some portion has been left unconsecrated; nor to any consecrated burial ground in a place where one or more unconsecrated grounds are also provided

Lord Strathnairn

under the Act twentieth and twenty-first Victoria, chapter eighty-one, section three.")—(*The Lord Archbishop of York*.)

THE LORD CHANCELLOR, in opposing the Amendment, said, he hoped their Lordships would not accept it, as by so doing they would only change the area of the grievance which Dissenters had complained of. He had, on the second reading of the Bill, stated at some length his reasons for that opinion; and he would not now repeat them. He could not think it probable that, so long as the fees charged for burials in the consecrated parts of cemeteries were greater than those in the unconsecrated parts, which was at present the case, the use of the consecrated parts by Non-conformists under this Bill would be likely so largely to increase as to make the space left insufficient for Churchmen. The Committee would remember that the provisions of the Bill on this subject were not one-sided. It contained a clause which the most rev. Prelate did not propose to omit, enabling the Burial Service of the Church of England to be performed in an unconsecrated portion of a burial ground by any clergyman of the Church of England who might be willing to officiate at a burial there.

EARL FORTESCUE, in supporting the Amendment, said, that he had voted for the second reading because he was anxious to remove the grievance which was felt to exist; but it could not be alleged that this Amendment would perpetuate a grievance.

On Question, That the words proposed to be left out stand part of the Clause? their Lordships *divided*:—Contents 108; Not-Contents 127: Majority 19.

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Grafton, D.	Ducie, E.
Saint Albans, D.	Durham, E.
Somerset, D.	Granville, E.
Westminster, D.	Innes, E. (<i>D. Roxburgh</i> .)
Bath, M.	Kimberley, E.
Bristol, M.	Lovelace, E.
Lansdowne, M.	Lucan, E.
Northampton, M.	Minto, E.

Morley, E.
Northbrook, E.
Portsmouth, E.
Spencer, E.
Sydney, E.
Yarborough, E.
Zetland, E.

Eversley, V.
Falmouth, V.
Gordon, V. (*E. Aberdeen.*)
Halifax, V.
Leinster, V. (*D. Leinster.*)
Powerscourt, V.
Sherbrooke, V.

Bath and Wells, L. Bp.
Exeter, L. Bp.
Llandaff, L. Bp.
London, L. Bp.
Manchester, L. Bp.
Oxford, L. Bp.
St. Asaph, L. Bp.

Aberdare, L.
Annaly, L.
Auckland, L.
Belper, L.
Boyle, L. (*E. Cork and Orrery.*) [*Teller.*]
Brabourne, L.
Braye, L.
Breadalbane, L. (*E. Breadalbane.*)
Calthorpe, L.
Carew, L.
Carrington, L.
Carysfort, L. (*E. Carysfort.*)
Churchill, L.
Coleridge, L.
Congleton, L.
Cottesloe, L.
Dorchester, L.
Ebury, L.
Elgin, L. (*E. Elgin and Kincardine.*)
Gardner, L.

Greville, L.
Gwydir, L.
Hammond, L.
Hanmer, L.
Hare, L. (*E. Listowel.*)
Hatherley, L.
Houghton, L.
Kenmare, L. (*E. Kenmare.*)
Kenry, L. (*E. Dunraven and Mount-Earl.*)
Kintore, L. (*E. Kintore.*)
Lawrence, L.
Leigh, L.
Lismore, L. (*V. Lismore.*)
Lyttelton, L.
Meldrum, L. (*M. Huntly.*)
Methuen, L.
Monck, L. (*V. Monck.*)
Monson, L. [*Teller.*]
Monteagle of Brandon, L.
Mostyn, L.
Mount Temple, L.
Ponsonby, L. (*E. Bessborough.*)
Ribblesdale, L.
Robartes, L.
Romilly, L.
Saye and Sele, L.
Sefton, L. (*E. Sefton.*)
Skene, L. (*E. Fife.*)
Somerton, L. (*E. Normanton.*)
Strafford, L. (*V. Enfield.*)
Sudeley, L.
Sundridge, L. (*D. Argyll.*)
Teynham, L.
Vaux of Harrowden, L.
Vernon, L.
Waveney, L.
Wentworth, L.
Wolverton, L.
Wrottesley, L.

NOT-CONTENTS.

York, L. Archp.

Norfolk, D.
Richmond, D.
Rutland, D.

Abercorn, M. (*D. Abercorn.*)
Exeter, M.
Salisbury, M.

Amherst, E.
Bathurst, E.
Beaconsfield, E.
Beauchamp, E.
Bradford, E.
Brownlow, E.
Cadogan, E.
Cairns, E.

Coventry, E.
Dartmouth, E.
De La Warr, E.
Doncaster, E. (*D. Buccleuch and Queensberry.*)
Eldon, E.
Feverham, E.
Fortescue, E.
Haddington, E.
Hardwicke, E.
Harewood, E.
Jersey, E.
Lancashire, E.
Lathom, E. [*Teller.*]
Manvera, E.
Mar and Kellie, E.
Morton, E.
Mount Edgcumbe, E.

Nelson, E.
Onslow, E.
Powis, E.
Radnor, E.
Ravensworth, E.
Redesdale, E.
Rosse, E.
Rosslyn, E.
Saint Germans, E.
Selkirk, E.
Somers, E.
Sondes, E.
Stanhope, E.
Tankerville, E.
Waldegrave, E.
Wharnccliffe, E.
Wilton, E.

Clancarty, V. (*E. Clancarty.*)
Cranbrook, V.
Gough, V.
Hardinge, V.
Hawarden, V. [*Teller.*]
Hood, V.
Melville, V.
Strathallan, V.
Templetown, V.

Bangor, L. Bp.
Carlisle, L. Bp.
Chichester, L. Bp.
Gloucester and Bristol, L. Bp.
Hereford, L. Bp.
Lincoln, L. Bp.
St. Albans, L. Bp.

Abinger, L.
Ashford, L. (*V. Bury.*)
Aveland, L.
Bagot, L.
Bateman, L.
Beaumont, L.
Blantyre, L.
Bolton, L.
Borthwick, L.
Botreaux, L. (*E. Loudoun.*)
Brancepeth, L. (*V. Boyne.*)
Braybrooke, L.
Clanbrassail, L. (*E. Roden.*)
Clanwilliam, L. (*E. Clanwilliam.*)
Clements, L. (*E. Leitrim.*)
Clinton, L.

Colchester, L.
Crewe, L.
Delamere, L.
De Saumarez, L.
De Tabley, L.
Digby, L.
Ellenborough, L.
Forbes, L.
Foxford, L. (*E. Lime-
rick.*)
Gage, L. (*V. Gage.*)
Gormanston, L. (*V. Gormanston.*)
Grey de Radcliffe, L. (*V. Grey de Wilton.*)
Haldon, L.
Harlech, L.
Heytesbury, L.
Inchiquin, L.
Kenlis, L. (*M. Head-
fort.*)
Leconfield, L.
Lilford, L.
Lovel and Holland, L. (*E. Egmont.*)
Moore, L. (*M. Drogheda.*)
Northwick, L.
Norton, L.
Oranmore and Browne, L.
Oriel, L. (*V. Massereene.*)
Penrhyn, L.
Poltimore, L.
Raglan, L.
Rayleigh, L.
Ross, L. (*E. Glasgow.*)
Saltersford, L. (*E. Courtown.*)
Scarsdale, L.
Sherborne, L.
Shute, L. (*V. Barrington.*)
Stanley of Alderley, L.
Stewart of Garlies, L. (*E. Galloway.*)
Strathnairn, L.
Strathspey, L. (*E. Sea-
field.*)
Templemore, L.
Tredegar, L.
Trevor, L.
Tyrone, L. (*M. Water-
ford.*)
Ventry, L.
Wimborne, L.
Windsor, L.
Winmarleigh, L.

Resolved in the Affirmative.

THE MARQUESS OF SALISBURY said, that they had been dealing with the old churchyards and other matters, and he now wished to introduce quite another subject for consideration. He would propose, as an Amendment, to move the insertion, at the end of the clause, of these words—

("This Act shall not affect any consecrated burial ground given as a free gift within 50 years before the commencement of this Act unless the consent of the donor or his representative shall have been previously obtained in writing.")

Their Lordships had decided that in the ancient churchyard services should be celebrated which were not the Services of the Church of England. The principle of the Bill was intelligible enough as applied to them, although the title of the Church to these churchyards was undoubtedly strong. It rested upon the possession of centuries. But he wished to direct attention to the churchyards to which her title was also strong, but which she held by the will of the donors who were living, or who lived recently, and whose wishes were perfectly well known. His noble and learned Friend on the Woolsack (Lord Selborne) had said that this was a question upon which the clergy were on one side and the laity on the other; but he thought there was absolutely no foundation for that statement. Many Members of that House and of the other House of Parliament had been donors of graveyards in recent times. Among such donors he might instance the Duke of Northumberland and the Duke of Rutland. The noble and learned Lord told them that they had no representatives from the laity on the subject of the Bill; but he (the Marquess of Salisbury) had in his hand a protest from donors of land given for either new churchyards or for additions to old churchyards, and the same was given under the existing laws, which it was imagined would continue in force, otherwise they would not have given it; and that showed the strong feeling of the laity against this Bill. To this protest there were some 300 names of Members of both Houses and other donors. His noble and learned Friend said, the other evening, that the new churchyards would remain as they were—that was, dedicated to the purpose of burial for all Her Majesty's subjects; but there were two trusts, and his noble and learned Friend ignored one. No doubt, everyone could be interred who died in the parish. As to that there would be no difference. The churchyard would be used for all classes of Her Majesty's subjects; but as to the other trust—that persons interred in them should be buried with the Service of the Church

of England, it was on that trust that this Bill would make a vital alteration. It was a serious grievance, and one which the donors complained of, that if persons had given land for the purpose of having celebrated in it the Services of the Church in whose dogmas they believed, and to which they were attached, the power of Parliament should be called into play for the purpose of wresting it from that purpose, and for the purpose of celebrating in it the service of communities which differed widely from the Church of England. The noble and learned Lord would, no doubt, say that these Services would be Christian, and in no way widely different from those of the Established Church; but the noble and learned Lord had already furnished an answer to that argument, for he had defined a Christian to be anyone calling himself by the name of Christian. It was absurd to maintain that there was no violation of the donors' wishes when there might be celebrated in the churchyards the service of the body which rejected every one of the distinctive doctrines of his own Church. He was glad, however, to believe that his noble and learned Friend's statement was true in a majority of instances. But there was also a widely different spirit abroad—a spirit which might be exemplified by what took place not very long ago in the Paris University. A few months ago, a celebrated writer—a Protestant—was appointed a Professor in Paris. The students of that city were not very fond of dogmas of any kind, and there was a probability that the new Professor would be received with some discontent, because he was suspected of the cardinal vice of Christianity. His defence was—"I am a Christian if you will, but a Christian without dogma and without belief." He (the Marquess of Salisbury) believed that Christians without dogmas and without belief were not so uncommon in this country as some people imagined; it was a fashion which seemed to be increasing. He admitted that the majority of those who would take advantage of this did not differ from them on matters which, in view of the great controversies of the day, they were entitled to characterize as of primary importance; but that did not alter the position, rights, and claims of the donors of churchyards. They had practically opened the door for every kind of belief,

The Marquess of Salisbury

and whether such cases as he had indicated were few or many, the rights of the donors were equally violated. He feared, too, that in time to come the differences which now marked off the Nonconformist Body from the Church of England would not be of the same secondary importance as at present. A study of the religious doctrines of the present day led to the conclusion that the dissidents with whom the Church of England would have to deal in the future would be persons whom no stretch of comprehensiveness or charity could include in the pale of the same belief with it. He therefore thought they were indulging themselves in a vain hope, if they thought that after the lapse of a few years those who now differed from the Church would be satisfied with what was now proposed to be done. Whether the difference between the Church of England and Dissenters was great or small, the rights of donors were equally injured. It was not a question whether he and his noble and learned Friend on the Woolsack thought the difference between them a large one. The question was, What did those persons think who granted their property for a specific purpose? They had a right to decide for themselves whether the matters were great or small. They were matters of private judgment, of individual decision, and no one had a right to lay down a rule on the question. It used to be objected to equity, in olden times, that its measure was the length of the Chancellor's foot. But if we were to have the degrees of dogma which separated respective sects decided by the length of the Chancellor's foot, or in accordance with his particular opinions, we should be in a worse state still. The noble and learned Lord was known as an attached friend of the Church of England; but the Chancellor of to-morrow would stretch his charity further than the Chancellor of to-day, and include Unitarians; and a Chancellor after that might stretch a little further, and include those who did not believe in any Divinity at all. The question whether the bequests or gifts of those donors had been dealt with honestly was in no degree affected by the feeling of the present Lord Chancellor as to how far Dissenters might differ from the Church of England. When he (the Marquess of Salisbury) said it was a question of

honesty to donors, he rested on the language used by Parliament itself. He would draw the attention of their Lordships to the fact that Parliament, 60 years ago, awoke to the fact that the provision for the spiritual destitution in this land was quite inadequate, and that churches and churchyards required to be extended. Of the churches it was not now necessary to speak. Parliament, while making provision for supplying this need, in some cases by public money, in other cases invited the munificence of private individuals to supply that which was wanted; and, in doing so, Parliament stated the terms on which the assistance could be accepted. In 1823, in one of the earliest Church Building Acts, there was laid down the deed of conveyance by which the ground added by free gift to churchyards was to be conveyed to the Church Building Commissioners, who were the predecessors in title of the Ecclesiastical Commissioners of to-day. In this Act were cited various other Acts on the same subject, and they contained these words—

“ And every piece of land, ‘ when conveyed to the said Commissioners, shall become for ever thereafter devoted to ecclesiastical purposes, in order that the same may be consecrated by the Bishop according to the rites of the United Church of England as Ireland ’ as by ‘ law established. ’ ”

It was impossible for Parliament to put a pledge in more distinct and absolute terms than what the words of the Act conveyed. Our Parliamentary practice did not know a more distinct pledge than that, and yet it was now proposed that Parliament should disregard it. If any member of the Episcopal Bench was to invite a man to give his land on a promise that it should be used for the service of the Church of England and Ireland, and were then to use some legal power for the purpose of opening it to all classes of men who called themselves Christians, their Lordships knew by what name to call this. It would be nothing less than defrauding the owner of the land. Why was it less fraud when committed by the Imperial Parliament? Was Parliament the only body which could not make any binding promise? Were they to assume that, however solemn and detailed the promise made, and in however blind a confidence it had been acted on by a donor, yet when, in the changing course of politics, it became

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ships, in any similar case, to depart from the principle on which the Government of that day determined that, whatever course might be justifiable, when the representation to such donors was very remote, it was not right to take away entirely from the purposes for which they were given, and devote to other public objects recent gifts to which, if the State made the observance of all the express conditions on which they were given impossible, the donor or his representative might have a moral claim. And in the cases of the Endowed Schools Act and the University Trusts, those also were trusts, constituted by private donation for specific purposes; and what was done was to say that from those specific purposes the endowments should not be withdrawn, if given within the last 60 years, or whatever period it was thought right to take. If such private trusts as the noble Earl opposite (Earl Nelson) had mentioned were constituted for the specific purpose of burial under particular conditions, whether those conditions had reference to the usages of the Church of England or of any other denomination, the argument from the Endowed Schools Act and the University Endowments would apply. But this was a totally different case; and, apart altogether from the construction of certain words in particular Statutes to which his noble Friend had referred, he maintained on broader grounds that it would be fatal to all sound principle of public legislation for their Lordships to sanction the doctrine, that those who had given out and out for public purposes land which was once private property ought to be treated as if they had reserved, or could have reserved, to themselves the right of dictating to Parliament as to how its use for such public purposes should, or should not, be regulated or modified. The additions to churchyards were additions made to that which was the subject of a known public use, regulated, and to be regulated, by public law. If the donors had reserved to themselves some rights of property or some control, which they had not done, they might then possibly have been entitled to say that the grants were to apply to churchyards, only so long as they might continue to be regulated in exactly the same manner as they were at the date of the grants; but to say

that the Legislature was to hold its hand and not to be at liberty to use its power of modifying the regulations applicable to such burying grounds after the land had been given out and out without reservation, would be to introduce a principle to the mischief of which there would be no limit. A man who gave property for a road, or for a public park, or for any other public purpose, might come forward and object to all subsequent legislation concerning the manner of regulating it, and might say—“This was not the state of the law when I gave the land, and therefore I object to it.” Why, it would be a clear duty of Parliament to refuse to take gifts from persons on any such conditions as that. Parliament had never accepted them under such limitation of its powers. If the principle were good for churchyards, it would be equally good for churches. It would give every private donor or builder of a church a right of veto, so far as that church was concerned, upon any subsequent alteration by law of the rites and ceremonies, formularies or discipline of the Church of England. They might have private donors, notwithstanding the united authority of Convocation and of Parliament, objecting and saying that they had not contemplated the permission of this thing or of that thing. Against that principle, therefore, he, for one, must steadily set his face, and he hoped their Lordships would do the same. It was perfectly consistent, both with the true legal effect and the real spirit and meaning of the Acts of Parliament which had been referred to, that such a modification as this Bill proposed should be made in the regulations enforced by law as to the manner of performing the service at funerals in grounds given for the purposes of those Acts, if such a modification were thought proper, not as to those grounds by way of exception, but as to churchyards generally. To except grants made within the last 50 or 60 years would also, in practice, lead to endless confusion. In doing so, their Lordships were asked to mark out a line which nobody had ever thought of drawing, defining exactly where an old churchyard began and where it ended; and although the old part might be filled up so that it would be contrary to decency to make additional interments in it, and although the new part might be the only

part fit for interments, they were asked in such a case to exclude Dissenters from the rights given under this Bill—from the rights given them in all other churchyards, even although there might be no other consecrated or unconsecrated ground accessible to them in which they could be buried. He protested against this, and repeated that there was no spoliation proposed by the Bill, and no taking away of any of these gifts from the purposes for which they were given.

THE ARCHBISHOP OF YORK thought that the Bill unquestionably gave to Dissenters a right they did not possess at present. In the case of a donor giving a churchyard to the Church of England, under its provisions they were about to take the ground which belonged to one person, and which was given to him for a certain limited number of persons, and they were to increase the number of persons who might use it. It was impossible to admit the argument of the noble and learned Lord, and he would therefore suggest an Amendment of the Amendment proposed by the noble Marquess (the Marquess of Salisbury), one providing that it should only apply to those cases where the donors should have dissented from the application of the Act within six months after its commencement.

LORD BRABOURNE said, that in spite of the favour with which the remarks of the noble Marquess (the Marquess of Salisbury) had been received, and in spite of the two recent divisions, he hoped that a little further reflection, and somewhat fuller consideration of the principles involved in the proposition of the noble Marquess, would induce their Lordships to come to the conclusion that it could not possibly be accepted. The noble Marquess had held in his hand a Memorial signed by 300 donors of lands for churchyard purposes, on whose behalf he spoke, their gifts having been made within the last 35 years. But the papers which had been sent round with that Memorial stated that additions had been made to upwards of 15,000 churchyards within the last 50 years. So that, making the noble Marquess a present of 200 donors on account of the difference between 35 and 50 years, he might be said to speak in the name of 500 persons, or 10 per cent of the whole number who had given land for these purposes. And in order

to gratify the feelings of this limited number of persons, their Lordships were asked to do that which would mar the symmetry and spoil the completeness of the measure which was proposed to them as a settlement of this important question. He (Lord Brabourne) ventured to say that if they accepted this Amendment for the sake of this limited number of individuals, all of whom were of the higher or richer classes, in a matter which concerned the whole population of England and Wales, such a course would not tend to increase the respect with which their Lordships' decisions were received by the country, whilst it would infallibly prevent the acceptance of this measure by the country as anything like a satisfactory settlement. But yet, if a legal and equitable claim could be established by these persons, he would not venture to ask their Lordships to refuse to recognize that claim, even though its recognition might be attended with some inconvenience. He was, however, prepared to contend that no such claim could be established, whilst its recognition would be attended, not only with great inconvenience, but with consequences most unfortunate and most mischievous to the Church. What was that claim? It was a claim by persons who had given property to a National Institution that they, and not the Parliament of the nation, should still control and regulate the property which they had thus given. He (Lord Brabourne) would not attempt to add anything to the argument of his noble and learned Friend (the Lord Chancellor) upon this point; but he must ask their Lordships to consider that it would be impossible to stop here if they once conceded the principle of the Amendment. Other property besides sites for churchyards had been given to the Church. Many persons had given sites for churches, and had restored, built, and endowed churches at their own cost. Now, there were constant applications to Parliament for alterations in the Rubric or Services of the Church. Only the other day, a noble Lord had presented a number of Petitions praying for some alteration which would put an end to what was called Auricular Confession. Again, it had been proposed that the Athanasian Creed should be expunged from the Church Service; and other changes or relaxations of discipline had been mooted

The Lord Chancellor

ships, in any similar case, to depart from the principle on which the Government of that day determined that, whatever course might be justifiable, when the representation to such donors was very remote, it was not right to take away entirely from the purposes for which they were given, and devote to other public objects recent gifts to which, if the State made the observance of all the express conditions on which they were given impossible, the donor or his representative might have a moral claim. And in the cases of the Endowed Schools Act and the University Trusts, those also were trusts, constituted by private donation for specific purposes; and what was done was to say that from those specific purposes the endowments should not be withdrawn, if given within the last 60 years, or whatever period it was thought right to take. If such private trusts as the noble Earl opposite (Earl Nelson) had mentioned were constituted for the specific purpose of burial under particular conditions, whether those conditions had reference to the usages of the Church of England or of any other denomination, the argument from the Endowed Schools Act and the University Endowments would apply. But this was a totally different case; and, apart altogether from the construction of certain words in particular Statutes to which his noble Friend had referred, he maintained on broader grounds that it would be fatal to all sound principle of public legislation for their Lordships to sanction the doctrine, that those who had given out and out for public purposes land which was once private property ought to be treated as if they had reserved, or could have reserved, to themselves the right of dictating to Parliament as to how its use for such public purposes should, or should not, be regulated or modified. The additions to churchyards were additions made to that which was the subject of a known public use, regulated, and to be regulated, by public law. If the donors had reserved to themselves some rights of property or some control, which they had not done, they might then possibly have been entitled to say that the grants were to apply to churchyards, only so long as they might continue to be regulated in exactly the same manner as they were at the date of the grants; but to say

that the Legislature was to hold its hand and not to be at liberty to use its power of modifying the regulations applicable to such burying grounds after the land had been given out and out without reservation, would be to introduce a principle to the mischief of which there would be no limit. A man who gave property for a road, or for a public park, or for any other public purpose, might come forward and object to all subsequent legislation concerning the manner of regulating it, and might say—“This was not the state of the law when I gave the land, and therefore I object to it.” Why, it would be a clear duty of Parliament to refuse to take gifts from persons on any such conditions as that. Parliament had never accepted them under such limitation of its powers. If the principle were good for churchyards, it would be equally good for churches. It would give every private donor or builder of a church a right of veto, so far as that church was concerned, upon any subsequent alteration by law of the rites and ceremonies, formularies or discipline of the Church of England. They might have private donors, notwithstanding the united authority of Convocation and of Parliament, objecting and saying that they had not contemplated the permission of this thing or of that thing. Against that principle, therefore, he, for one, must steadily set his face, and he hoped their Lordships would do the same. It was perfectly consistent, both with the true legal effect and the real spirit and meaning of the Acts of Parliament which had been referred to, that such a modification as this Bill proposed should be made in the regulations enforced by law as to the manner of performing the service at funerals in grounds given for the purposes of those Acts, if such a modification were thought proper, not as to those grounds by way of exception, but as to churchyards generally. To except grants made within the last 50 or 60 years would also, in practice, lead to endless confusion. In doing so, their Lordships were asked to mark out a line which nobody had ever thought of drawing, defining exactly where an old churchyard began and where it ended; and although the old part might be filled up so that it would be contrary to decency to make additional interments in it, and although the new part might be the only

recognized champions, rather than from her open enemies. What could be more disastrous to the Church than that, for the first time in our history, there should be drawn a line of demarcation across our old churchyards, and that if a stranger should ask its meaning he should be told that on one side reposed the bodies of English Churchmen and on the other the bodies of English Christians? A comparison would be suggested between the claims of the Church on one side and of Christianity on the other—between the claims on one side of a narrow sectarian spirit which sought to perpetuate theological differences after death, and on the other of a broader, more comprehensive, and more Christian spirit, which desired to bury such differences in the grave, and at the last solemn moment of interment to remember only that tie of common Christianity which had bound the living together. In the belief that the proposition of the noble Marquess would do infinite injury to the Church, whilst it would offend the Nonconformists, prevent the settlement of the question, and give rise to heartburnings, litigation, and continued agitation, he earnestly begged their Lordships to reject it by a decisive majority.

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Resolved in the Negative.

Clause, as amended, *agreed to.*

Clause 2 (Paupers) *agreed to.*

Clause 3 (Time of burial to be stated, subject to variation).

On the Motion of The LORD CHANCELLOR, the following Amendments were made in the clause:—In page 2, line 12, omit ("time at which") and substitute ("day and hour when"); line 13, omit ("named") and substitute ("stated"); line 18, omit ("eighteen") and substitute ("twenty-four"); line 22, at the beginning of the line, before ("such"), insert these words "or (if such day shall be a Sunday, Good Friday, or Christmas Day) of the day next following"; line 31, add at the end of the clause these words—

" ("Provided also, that no such burial shall take place in any churchyard on Sunday, or on Good Friday or Christmas Day, except by the consent of the person receiving such notice.")

THE EARL OF LIMERICK, in moving an addition to the clause providing that, unless it should be otherwise mutually arranged, no such burial should take place in a churchyard on Sunday, Christmas Day, Good Friday, or Ascension Day, said, the noble and learned Lord (the Lord Chancellor) had an Amendment to the same effect, except that Ascension Day was not included.

Amendment *moved*, in page 2, at end of clause, to add—

("And be it further provided that, unless it be otherwise mutually arranged, no such burial

shall take place in a churchyard on a Sunday, Christmas Day, Good Friday, or Ascension Day.")—(*The Earl of Limerick.*)

THE LORD CHANCELLOR said, that under the Amendment he had proposed it was provided that such burials should not take place on Sunday, Good Friday, or Christmas Day. The question as to excluding Ascension Day could be considered before the Report.

EARL CAIRNS thought that Ascension Day should be included in the list.

THE LORD CHANCELLOR remarked, that Ascension Day was not generally observed throughout the country as a festival of the Church; and, therefore, there was no ground for including it in the list.

THE BISHOP OF LINCOLN observed, that in more than 600 out of the 800 parishes in his diocese Ascension Day was kept as a religious festival.

Amendment (by leave of the Committee) *withdrawn.*

Amendment *moved*, in page 2, line 31, at the end of the clause, to add—

("Provided also, that no such burial shall take place on a Sunday, Good Friday, or Christmas Day, or on any other day during, or half an hour before or half an hour after, the performance of any Divine service in the church.")—(*The Viscount Templetown.*)

THE LORD CHANCELLOR pointed out that in cases where the time proposed for burial was inconvenient, the clergyman might himself fix an hour.

Amendment (by leave of the Committee) *withdrawn.*

Clause, as amended, *agreed to.*

Clause 4 (Burial to take place accordingly) *agreed to.*

Clause 5 (Regulations and fees).

Amendment *moved*, in page 2, line 42, after ("fee") insert ("or offering"); and in line 43, after ("fee") insert ("or offering.")—(*The Lord Bishop of Bangor.*)

After an explanation by the LORD CHANCELLOR,

Amendment (by leave of the Committee) *withdrawn.*

Clause *agreed to.*

Clause 6 (Burial may be with or without religious service).

LORD HOUGHTON moved an Amendment, to insert the words "or Jewish," so as to make it read that

("The burial in the churchyard or graveyard might take place either without any religious service, or with such Christian, or Jewish, and orderly religious service as the persons in charge of the burial might think fit.")

Amendment *moved*, in page 3, line 5, after ("Christian") insert ("or Jewish.")—(*The Lord Houghton.*)

THE LORD CHANCELLOR regretted that he could not accept the Amendment of his noble Friend, as it would break in upon the principle on which this clause was drawn. The burial grounds referred to in the Bill were places of Christian burial for all parishioners; and unless they were to lose that character, it followed when they came to consider the question of religious services to be performed in them, that they must either have no service in the churchyard, or the service must be Christian. They must draw the line somewhere as to the character of the service. There was no principle on which it could be necessary, or—as he thought—reasonable, to allow Pagan ceremonies or the delivery of secular harangues in a churchyard. And while a Jew, if he were a parishioner, would have a civil right to burial, that right was satisfied if it were silent and without a religious ceremony. It was impossible to admit the religious services of Jews, and to exclude other non-Christian services. The word "Christian" must either stand or go. He preferred that it should stand. It was in accordance with the feelings of almost all religious people that there should be some line drawn, and he knew no other which it was possible to draw. The common law drew the line for him by stating that Christianity was part and parcel of the common law of the land. In point of fact, too, the Jews not only possessed, but decidedly preferred, their own burial grounds; and no single intimation had reached him from any quarter that they desired any alteration to be made, so far as they were concerned, in the Bill. While he had every sympathy with and respect for those who professed the Jewish religion with sincerity, yet he did not think it was necessary on their account to throw down all

barriers against that which it was right to exclude.

THE BISHOP OF LINCOLN observed that the modern Jews made it a fundamental part of their religion to affirm that the promised Messiah was not come; and that, consequently, our blessed Lord, who claimed to be the Messiah, was a deceiver. He, therefore, opposed the Amendment.

LORD HOUGHTON said, he had on several occasions attended Jewish services, and they were conducted with extreme solemnity. There was nothing in them to outrage anyone's feelings. Still he would withdraw the Amendment.

Amendment (by leave of the Committee) *withdrawn*.

THE EARL OF LIMERICK moved an Amendment to provide that the persons permitted to read any service should not be in Holy Orders in the Church of England.

Amendment *moved*, in page 3, line 7, after ("persons") insert ("not being in holy orders of the Church of England").—(*The Earl of Limerick.*)

THE LORD CHANCELLOR said, the Amendment would exclude any person who had been ordained, but had since left the Church of England.

THE BISHOP OF CARLISLE asked whether the object of the Amendment was not to prevent one clergyman officiating in the churchyard of another without his consent, where the incumbent was objected to? He could not help thinking some such security ought to be given by the Bill.

THE EARL OF LIMERICK said, that was the object of the Amendment, and, in the hope that the noble and learned Lord (the Lord Chancellor) would consider the matter before the Report, he would withdraw the Amendment.

Amendment (by leave of the Committee) *withdrawn*.

On the Motion of The LORD CHANCELLOR, Amendment made, in page 3, line 4, at the beginning of the line before ("having") insert ("so"), and after ("same") insert ("as aforesaid").

Amendment *moved*, in line 10, at the end of the clause, add—

("The word 'Christian' in this section shall include every religious service used by any church, denomination, or person professing to be Christian.")—(*The Lord Chancellor.*)

THE MARQUESS OF SALISBURY wished to know whether, if any person were taken to task for conducting improper services in the churchyards, it would be a sufficient plea to say that he was a Churchman, no matter what were his doctrines, or the services which he performed?

THE LORD CHANCELLOR said, it would certainly be understood that any one professing to be Christian was acting in good faith.

EARL CAIRNS said, it was not some recognized service that was required; but the matter was made to depend upon a person professing to be a Christian. He would suggest that the clause should be left as it originally stood.

THE EARL OF HARDWICKE wished to know whether a clergyman would have power to prevent a service when he knew that it was to be conducted by a person unfit for the purpose?

THE LORD CHANCELLOR said, that an incumbent would have no power to prevent a service; but anyone offending against the provisions of the Bill might be punished for a misdemeanour. He had put the words upon the Paper for the purpose of avoiding any controversy, as to the doctrines of any service, or of those using it, which some thought (though he did not) might be open under the clause as it now stood, and which it was certainly not desirable to invite or allow.

LORD LILFORD asked the noble and learned Lord (the Lord Chancellor) and the right rev. Bench if they could give a definition of the difference between the views of a Mahomedan respecting the mission on earth of our Lord Jesus Christ and those of a Unitarian? He (Lord Lilford) thought it would be difficult to give it.

THE MARQUESS OF SALISBURY had no doubt it would be difficult, for, in many cases, the Mahomedan had quite as much respect and reverence for Christ as the Unitarian had. The result of the qualifications and modifications which the noble and learned Lord (the Lord Chancellor) had introduced from time to time, had left in his mind the impression that the word Christian represented no substance and no reality, but was simply

a species of declaration intended to reconcile without just foundation those to whom the reality was a great matter.

On Question? *Resolved in the Affirmative.*

Amendment moved in page 3, at end of clause insert—

"Provided always, that the foregoing clauses of this Act shall only apply to the churchyard or graveyard in any parish or ecclesiastical district where there is no unconsecrated burial ground or cemetery in which the parishioners or inhabitants have rights of burial, and shall cease and determine in respect of any such parish or ecclesiastical district so soon as such unconsecrated burial ground or cemetery has been provided."—(*The Earl of Mount Edgumbe.*)

THE ARCHBISHOP OF YORK opposed the Amendment.

On Question? *Resolved in the Affirmative.*

THE BISHOP OF WINCHESTER in moving, as an Amendment to the clause, the addition of the words—"Provided that no such religious service shall last more than 30 minutes," said, that he did not know how decorum could be preserved unless some limitation of time of services was agreed upon. The Church of England service did not last more than a quarter of an hour. But at Nonconformist funerals addresses were likely to be delivered and hymns sung. Sometimes two or three addresses might be delivered—on such an occasion, for example, as the presence of a popular and eloquent minister. He had, when he was a clergyman in Cornwall, witnessed scenes which showed the danger of this. Funeral processions sometimes used to travel five miles, and the mourners sang hymns (often very beautiful hymns) until they came to the churchyard. The law would not permit this, and he had often been kept waiting an hour. He looked upon his Amendment as one conducive to peace, and calculated to prevent disorder. In some circumstances, no doubt, if there were no pressure of time or duties, a sensible clergyman would relax the rule as to time. For himself, he would not insist upon half an hour; but he would like to have a limit of time fixed. He had often known funerals where disagreeable occurrences took place, and unless some time was mentioned for the service much inconvenience might be experienced.

Amendment *moved*, in page 3, line 10, at end of clause add—

("Provided that, unless it shall be otherwise mutually arranged, no such religious service shall last more than thirty minutes.")—(*The Lord Bishop of Winchester.*)

LORD WAVENEY objected to the Amendment, and thought that everything ought to be left to the good feeling of the people and the solemnity of the occasion.

THE BISHOP OF OXFORD said, that it would be very easy to make arrangements with pious Nonconformist ministers; but other persons of quite a different character might have the conduct of funerals, and therefore it would be well that a time should be limited for the service. It was represented to him the long services might lead to some collision.

THE EARL OF HARDWICKE said, he was clearly in favour of investing the clergy with the power of determining how long the services should last. In that view, he would urge that power in the matter should be given to the incumbent.

THE BISHOP OF CARLISLE was of opinion that the Amendment would place the clergy in a most invidious position, and make the Bill still more unpalatable to them. Nothing could be more unfortunate than that the clergyman should have to negotiate with the friends of the deceased person as to the length of the service. Again, the services might be led sometimes by women, and he should like to know how a woman was to be stopped?

THE ARCHBISHOP OF YORK said, the Amendment would be a good thing as a general direction; but he did not see how it was to be carried out.

THE LORD CHANCELLOR thought it would be wiser to trust to the power of the clergymen, under the 3rd clause of the Bill, to fix a time which would leave a reasonable margin, so as to avoid any risk of practical inconvenience. It would be impossible, if parties came not quite punctually, or if they exceeded the limited time, as with extempore services might be very liable to happen, to stop the funeral before it came naturally to an end. To protract the service unreasonably could not be for the convenience of those concerned. If a maximum time were fixed, it might soon be re-

garded in practice as a minimum; and, in that case, it would be habitually exceeded.

Amendment (by leave of the Committee) *withdrawn*.

Clause, as amended, *agreed to*.

Clause 7 (Burials to be conducted in a decent and orderly manner, and without obstruction).

LORD WAVENEY moved, as an Amendment, in lines 15 to 18, to omit certain words which accounted as a misdemeanour the delivery of an address, not being part of or incidental to a religious service permitted by the Act, in a graveyard or churchyard.

THE LORD CHANCELLOR appealed to the noble Lord not to press the Amendment. The words were intended to exclude secular addresses.

Amendment (by leave of the Committee) *withdrawn*.

Clause *agreed to*.

Clause 8 (Act not to give right of burial where no previous right existed) *agreed to*.

Clause 9 (Burials Under Act *to be registered*).

On the Motion of the LORD CHANCELLOR, the following Amendments made:—In page 3, line 29, at the beginning of the line, before ("having") insert the word ("so") and after ("burial") insert ("as aforesaid"); line 31, instead of ("Schedule (A.)") insert ("Schedule (B.)"); line 40, after ("thereof") add these words—

("Such entry, instead of stating by whom the ceremony of burial was performed, shall state by whom the same has been certified under this Act.")

Clause, as amended, *agreed to*.

Clause 10 (Liberty to use burial service of Church of England in unconsecrated ground).

On the Motion of the LORD CHANCELLOR, the following Amendment made to the clause:—

In page 4, line 10, at the end of the clause add these words ("The relative, friend, or legal representative, having charge of or being responsible for the burial of any deceased person who had a right of interment in any such unconsecrated ground vested in any burial board,

or provided under any Act relating to the burial of the dead, shall be entitled, if he think fit, to have such burial performed therein according to the rites of the Church of England by any minister of the said church who may be willing to perform the same."

Clause, as amended, *agreed to*.

Clause 11 (Relief of clergy of Church of England from penalties in certain cases).

On the Motion of the LORD CHANCELLOR the following Amendments made:—

In Page 4, line 21, instead of ("Schedule B.") insert ("Schedule C."); line 23, after ("whereas") add ("such of"); lines 23 and 24, omit ("except that numbered 2 in the schedule hereto,") and substitute ("as are numbered 1, 3, 4, and 5 in the said Schedule C."); line 35, instead of ("Schedule B.") insert ("Schedule C."); line 37, at the end of the clause add these words—

("Provided also that the word 'crime' in the said Schedule C. shall mean only an offence against the criminal law of this realm").

EARL CAIRNS said, that he entertained a great objection to the clause, and doubted whether it should pass. It professed to follow the Letters of Business and the action of Convocation; but it did not in reality follow them at all. The recommendations of Convocation suggested an alteration of the rubric of the Book of Common Prayer; but the clause did not effect an alteration of the rubric. The Bill introduced into the Schedule a supposititious and hypothetical rubric which had no existence, could have none, and was never intended to have any. It said that, supposing there was such an imaginary rubric, the clergyman who acted under it should be absolved from any penalties for not obeying the rubric which did exist. He would still remain under the moral obligations imposed by the actual rubric; but he would be absolved from the legal penalties attached to disobeying it, on the hypothesis that some other rubric might exist, but which did not exist in fact. That did not seem to him to be quite a satisfactory mode of legislating. Parliament was absolutely deprived, under the clause, of its legitimate power of considering the recommendations of Convocation, and, if necessary, of modifying and altering them. It re-

cited, and truly recited, that Convocation had made certain recommendations, which were mentioned in the Schedule; but their Lordships could not exercise the right of altering a single word in the Schedule from beginning to end. He asked whether his noble and learned Friend on the Woolsack was able to produce, in the whole history of Parliaments, any instance in which such a course had ever been taken before? If the rubric was to be altered, it should be done by a law as clear and unequivocal as that which it was proposed to alter. The recommendation of Convocation was that on the request or with the consent of the kindred or the friends of the deceased it should be lawful to administer the following service of burial. Kindred or friends—which was it to be? If the kindred thought one way and the friends another, who was to prevail? Supposing the friends had one view of the life and character of the deceased, and of what should be the service at his burial, and the kindred had another, were the votes to be taken and the heads counted? Again, who were the friends? The question was one involving penalties which a Court of Law might be called upon to enforce; and was it possible that Parliament could deal with a law imposing a penalty in such a fashion as that? There were very grave objections to the clause; and he hoped that before the Bill reached a further stage these objections would be considered.

THE ARCHBISHOP OF YORK said, he could not concur with the noble and learned Earl (Earl Cairns) in his criticism of the clause, and maintained that the rubric in the Schedule was properly constituted. If the rubrics could never be altered, then the noble and learned Earl's objection would have force. The law practically was broken now, and the incumbent said—"I am legally bound to read the whole of the service as it stands; but there are words in it which do not apply to your people, and I cannot use them. I mean to leave out one or two portions." That was the kind of case with which their Lordships had to deal. The noble and learned Earl, he was sure, was most sensitive as to the rights of the clergy; but there was on this matter a pressure which was quite intolerable. It was a matter connected with the churchyard; and when they

were dealing very hardly with the clergy, why did they not afford them the relief they could easily afford them? There was great need of some relief; and they were only asked to give a very moderate relief to the clergy, from whom they had taken much. He maintained that when such a rubric as that proposed was passed by Parliament it became law, and was binding on the Church.

EARL CAIRNS said, this was not at all the case.

THE ARCHBISHOP OF YORK contended that it was in this manner the whole Book of Common Prayer and the rubrics had come into existence. As to the noble and learned Earl's objection that the words "kindred or friends" conveyed a vague or ambiguous meaning, he asked the Committee not to be led away by subtleties and fine distinctions. The plain meaning of "kindred or friends" was those persons having charge of the funeral, and who alone would have the power to deal with the incumbent.

THE ARCHBISHOP OF CANTERBURY said, his most rev. Brother had referred to ancient instances of the manner in which rubrics were formed, and obtained the sanction of law. He would direct the noble and learned Earl's attention to parallel modern cases. In the *Lectinary Bill* and the *Occasional Services Bill*, it would be found that that which was sanctioned by Convocation was afterwards approved by Parliament and obtained a legal sanction. He did not understand why the rules regulating the burial of the dead could not be altered in the same way. He was convinced that the noble and learned Earl was anxious that the clergy should be relieved from the great difficulty in which they were placed in this matter. He repudiated the idea that the Bill was only intended to enable persons who were not members of the Church of England to use services different from our own in our burial grounds. He had insisted on a former occasion that there was a number of persons who, being desirous of being buried by a clergyman of the Church of England in churchyards were not allowed so to be buried because of certain rubrics which at present existed, and he pointed out that Convocation had reported that some relief ought to be given in this matter. In consequence of that report, the noble and learned

Lord (the Lord Chancellor) desired that the clergy should be incidentally relieved; and he (the Archbishop of Canterbury) altogether protested against the idea which would sever the two parts.

EARL CAIRNS observed, that the effect of the clause would be by a side wind to make an alteration in the rubrics of the Church of England. The most rev. Prelate (the Archbishop of York) seemed to think that the Bill proposed to alter the rubrics; but that was exactly what it did not do, and that was exactly what he complained of. The cases he had cited were all instances in which the rubrics had been altered; but here it was proposed that the rubrics should remain, but that the penalties for its non-observance should be removed.

THE LORD CHANCELLOR characterized the argument which they had just heard from his noble and learned Friend (Earl Cairns) as a technical one. It was, in fact, super-hyper extra technical. In the case of the *Shortened Service Act* the same course, in substance, was followed as was followed in this case. None of the existing rubrics were altered by that Act; but it authorized many deviations from them by the clergy, in the performance of divine service, and the clergy, of all schools, had found no difficulty in acting upon that authority. With respect to the criticisms of his noble and learned Friend upon the substance of the clause, he could only say that they all appeared to him to rest upon false assumptions as to its effect. The Convocations and the clergy were not asking to be allowed to sit in judgment on Dissenters or others. All that was now proposed was that where the law did not permit of any service being used, the clergyman might, with the consent of the friends, use another service taken from the Prayer Book or the Bible; and that, where the clergyman now was required by law to use the full service, he might for the future, if the relatives or friends approved of it (not otherwise), use a shortened service, from which certain prayers, generally objected to by Dissenters, and which in some cases were the cause of conscientious scruples by the clergy, might be omitted. There would be no difficulty about the persons to give the consent; the term "relatives or friends" would mean, as in the rest of the Bill, those who had the charge of,

and were responsible for, the burial. He hoped that neither in this House, nor the other, would they be induced to disregard the wishes or the conscientious scruples of the clergy. The House could relieve the Nonconformists of the disabilities imposed upon them by law; and they could also in this way, to some very moderate extent, relieve the clergy of the disabilities imposed upon them by law. If they were to enter upon the question of altering the Prayer Book they launched into an interminable controversy. It would be most harsh—he had almost said it would be most unjust—to the clergy if this provision were not allowed to remain in the Bill, for the most bitter taunts had been from time to time levelled at them by Dissenters on account of the unsuitability of the Burial Service under certain circumstances.

THE BISHOP OF OXFORD supported the clause.

THE LORD CHANCELLOR said, he would consider whether some improvement could not be made in it upon the Report to meet the difficulties suggested by his noble and learned Friend (Earl Cairns).

LORD ORANMORE and BROWNE complained that the clause gave permission to the clergy to use any hymns and anthems at their discretion; that in the last edition of *Hymns Ancient and Modern* there was one hymn invoking the intercession of Saints, and others by like invocation of the Virgin. Considering the contempt of the law shown by Mr. Mackonochie and other, it appeared to him that the clergy of the Church of England should be restrained, instead of encouraging a lawless spirit by such enactments as were contained in this clause.

Clause, as amended, *agreed to*.

Clause 12 (Application of Act), and Clause 13 (Short title of Act), severally *agreed to*.

Schedules A and B read, and *agreed to*.

On the Motion of the LORD CHANCELLOR, the following Amendments made:—

In page 5, after ("Schedules to which this Act refers") insert a new Schedule to be headed ("SCHEDULE A."), as follows:—

Notice of Burial.

I , of , being the relative [or friend, or legal representative as the case may be, describing the relation, if a relative,] having the charge of or being responsible for the burial of A.B., of , who died at in the parish of , on the day of , do hereby give you notice that it is intended by me that the body of the said A.B. shall be buried within the [here describe the churchyard or graveyard in which the body is to be buried,] on the day of at the hour of , without the performance in the manner prescribed by law of the service for the burial of the dead according to the rites of the Church of England, and I give this notice pursuant to the "Burial Laws Amendment Act, 1880."

To the Rector [or, as the case may be,] of

Page 5, line 2, for ("Schedule A.") substitute ("Schedule B."); line 9, for ("Schedule B.") substitute ("Schedule C."); page 6, line 19, omit all the words from ("8. Insert, &.") down to the end of the Schedule inclusive.

Postponed Preamble *agreed to*.

House *resumed*.

The Report of the Amendments to be received on *Friday* next; and Bill to be *printed* as amended. (No. 86.)

House adjourned at half past Ten o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 15th June, 1880.

MINUTES.]—NEW WRIT ISSUED—For Bandon Borough, r. Captain Percy Brodrick Bernard, Chiltern Hundreds.

PRIVATE BILL (by Order)—Second Reading—Metropolitan and Metropolitan District Railways (City Lines and Extensions).

PUBLIC BILLS — Ordered — Vaccination Acts Amendment*; South Western (of London) District Post Office*.

Second Reading — Land Drainage Provisional Order (Frodsham, &c.)* [207].

Committee—Artizans' and Labourers' Dwellings (Scotland) Provisional Order (Leith)* [200], discharged.

Report—Local Government (Gas) Provisional Order* [123].

PRIVATE BUSINESS.

METROPOLITAN AND METROPOLITAN
DISTRICT RAILWAYS (CITY LINES
AND EXTENSIONS) BILL (*by Order*).

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
"That the Bill be now read a second
time."—(*Sir Edward Watkin.*)

MR. RITCHIE, in rising to move as an Amendment that the Bill be read a second time upon that day three months, said, he was aware that in proposing to ask the House to reject a Private Bill upon the second reading, he was doing that which was not always a convenient course to pursue. He was quite aware of the inconvenience of asking the House to come to a decision on a question of this kind; but, at the same time, he hoped the House, if sufficient cause was shown for rejecting a Bill, would not part with its right to do so. He believed that in this case he should be perfectly able to show sufficient reason why the House should not consent to the second reading of the Bill. He should content himself with very few words, for he did not propose to detain the House at any length. In a very few words he thought he should be able to show the House that a proposition was contained in the present Bill which was of an altogether unprecedented nature, and one which fully justified him in asking the House not to give the Bill a second reading. The ground upon which he rested his argument was one which required no evidence. It was one which required no investigation, and it was one upon which the House could have no difficulty whatever in coming to a conclusion without any great amount of argument. There was an Act of Parliament which was passed in the year 1845, called the Lands Clauses Consolidation Act, which was passed for the purpose of securing uniformity in the provisions of Private Bills so far as compensation was concerned. It applied to the provisions of all such Private Bills as that which was now before the House of Commons, and naturally all those whose property was at all likely to be interfered with felt secure that under the provisions of that Act

they were protected from certain proceedings on the part of the promoters of these Bills which were calculated prejudicially to affect the rights of private property. But the Bill which the House was now asked to read a second time proposed for the first time, he thought, altogether to set aside a very important clause in the Lands Clauses Consolidation Act, and to go under and take portions of premises without the promoters of the Bill being compelled to take the whole. As he had already intimated, the Lands Clauses Consolidation Act was passed in 1845 for the purpose of securing uniformity in the various Acts relative to the acquisition of lands for undertakings or works of a public nature; and Section 92 said—

"Be it enacted that no party shall at any time be required to sell or convey to the promoters of the undertaking a part only of any house, or other building, or manufactory, if such party be willing and able to sell and convey the whole thereof."

He did not know whether hon. Members had in their hands the Bill which it was now proposed to read a second time. If they had, by turning to Clause 10, they would find the following words:—

"With respect to any houses or buildings which the two Companies are by the provisions of the Act of 1879 or this Act authorized to enter on, take, and use, for purposes of the railways, and under which, or any part of which, or the premises connected therewith, it is proposed that the railways shall be made; the two Companies shall not be required to take those houses, buildings, or premises, or the site thereof, but the two Companies may appropriate and use the soil or ground lying under any such houses, buildings, or premises, or under any part or parts thereof respectively, and may purchase, and the owners of such houses, buildings, and premises respectively, shall, if required, sell to the two Companies an easement to use for making and maintaining the railway, so much of the said soil or ground as they may require for those purposes, and the purchase of any such easement shall not in any case be deemed the purchase of a part of a house, or other building, or manufactory, within Section 92 of the Lands Clauses Consolidation Act, 1845."

This was the clause which it was proposed to insert in the Bill for the benefit of the promoters of the measure; and in order to enable them to pay a somewhat larger dividend to their shareholders this clause proposed to repeal the restricting section of the Lands Clauses Consolidation Act. It might be said that those who were interested in

the matter would have their remedy by appearing and giving evidence before the Committee upstairs upon the question; but he took it that there were many people interested in such a matter as this who would not, even if they desired it, have any *locus standi* before the Committee. He took it that the inhabitants of the district as inhabitants, the occupiers of houses as occupiers, would have no *locus standi* before the Committee; but even if they did have a *locus standi* he contended that it was not fair, it was not just, and it was not expedient that these people should be required to go to the serious expense of appearing before a Committee in order to defend the position which had been given to them by an Act of Parliament in 1845 for the express purpose of providing against any such action as that which was now proposed by the present Bill. He contended, however, that there were many interested in this matter who had no *locus standi*, and who would receive no compensation, although materially affected by the proposals contained in the Bill. The occupier of a house or building under which it was proposed to run this railway by this Bill would have no claim whatever to any kind of compensation; and it was specially on their behalf that he asked the House of Commons to reject altogether such an unprecedented proposition as that which was now placed before them. But on the part of the owners of property who would have a *locus standi*, and whom it was proposed in some shadowy way to compensate, he maintained that they had no right to be asked to come before a Committee of the House of Commons and incur the large expense that would be entailed in defending the rights which had been conferred upon them by the Lands Clauses Consolidation Act. They had no right to be called upon by this Railway Company for their own purposes to part with the foundations of their houses, so that for all future time they would be unable to deal with them on the simple understanding that they would have some claim to moderate compensation. He was very unwilling indeed to trespass on the time of the House at any length at such an hour of the day. He hoped he had stated sufficient broadly to enable the House to come to a conclusion that this was a Bill

which ought not to be read a second time. It was a Bill of such an exceptional nature that he thought the House would be justified in throwing it out on the second reading. He had just had placed in his hands the case of the promoters of the Bill; but a perusal of it led him to the conclusion that it did not alter in one iota the force of the objections he had stated to the House. The case of the promoters simply amounted to this—"We ask the House of Commons, by giving us these extraordinary powers, to enable us to give to our shareholders a larger amount of dividend than we would be able otherwise to do." Upon this ground alone the House was asked to legislate for this Company on other lines than those which all other underground railways in this Metropolis had hitherto been required to go upon. It was one question to say whether negotiations might not be entered into with the owners of property as to whether they were willing to allow a Railway Company to go under their property without requiring them to take the whole of it; but it was altogether a different thing to say by Act of Parliament that they should not have the power of refusing, but should be compelled to part with their rights of property. And for what purpose was this exceptional privilege to be conferred? Simply for the purpose of enabling a private Company to pay a larger dividend to their shareholders; and in order to do that the House of Commons was asked to set aside an Act of Parliament on which all Bills of this nature had hitherto been based. He begged, in conclusion, to move that the Bill be read a second time on that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Ritchie.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR EDWARD WATKIN regretted that, once again in the new Parliament, he should be called upon to trouble the House, even for a moment, in defending the rights of Petitioners for Private Bills. In the old Parliament he had had to defend those rights over and over again; and, with only one exception, the House had permitted the promoters of

Private Bills to introduce their scheme. Having exercised the Constitutional right of presenting a Petition, and having had the prayer of that Petition granted by the first reading of their Bill, it was altogether unjust and unfair to refuse to those Petitioners, whose Petition had been granted by the House, the right of having their case heard by a Committee upstairs, that Committee being practically the House itself. This was nothing more nor less than an attempt upon the part of the opponents of the Bill to stop a great public work. The hon. Member (Mr. Ritchie) said—and it was a very cheap assertion to make—that the object of the Bill was to contravene the provisions of an Act of Parliament in order to increase the dividends of a private Company. He (Sir Edward Watkin) begged to say that it was nothing of the kind. Certainly, before the hon. Member came to the House and troubled them, at that inconvenient hour of the day, by laying down the law upon the question, he ought to have made himself acquainted with what the law actually was. He seemed to be under the impression that the Lands Clauses Consolidation Act of 1845 had never been modified or altered since it was first enacted. But Parliament, in dealing with underground railways, had already given the promoters of Private Bills power to take any part of any premises outside the principal walls of a house, and power to underpin the house without taking the house at all. In this case it was simply proposed to give an extension of that principle, and to say that, if the promoters did not wish to incur the wasteful expense of pulling property down when engineering skill would enable them to do so without inflicting such demolition of property, they might burrow under the property, compensating for all damage to everyone affected. The hon. Member ought, in fairness, to have said that compensation was provided by the Bill.

MR. RITCHIE said, he had made that statement. He had said that the owners of property were promised some kind of compensation by the clause.

SIR EDWARD WATKIN wished the House clearly to understand that compensation was provided in the Bill both for the owner and the tenant. The work which it was proposed to sanction by the measure was of a very exceptional nature. It was the completion of the Underground Railway by adding a mile

of railway between the Mansion House Station and High Street, Aldgate. The line passed through a very important part of the City of London, and if it could not be made cheaply it would not be made at all. The question then was, was the line to be made or not? Were they going to refuse the promoters the right to be heard before a Committee upstairs? He was prepared to submit, as far as he was concerned, to the decision of the House; but he did not believe that the House would be prepared to stop a great and important public work, and refuse to read the Bill a second time, because some Gentlemen in the City of London wanted to have the whole of their premises taken, and to saddle the promoters with a wasteful expenditure, instead of being compensated for the actual injury they sustained. Under these circumstances, he hoped the House would reject the Motion of the hon. Member for the Tower Hamlets, and read the Bill a second time.

CAPTAIN AYLMER said, it seemed somewhat strange that the hon. Member for Hythe (Sir Edward Watkin) should have spoken so strongly in favour of the Bill, of its urgent necessity, and the injustice that would be done to the promoters by rejecting it, when it was well known that the hon. Member had been for many years an opponent of this very line.

SIR EDWARD WATKIN rose to Order. The statement of the hon. and gallant Member, who was a director of the railway in 1874, was entirely out of Order, and was altogether unfounded.

CAPTAIN AYLMER said, that unless the Speaker ruled that he was out of Order, he would repeat what he had stated—that the hon. Member for Hythe had himself been one of the chief obstacles to the completion of this line from the time it was first projected in 1874, under the name of the Inner Circle Completion Railway, which was a proposal to continue the line from the Mansion House Station to the thickly populated parts of the City about Mincing Lane; and as the hon. Member for Hythe was Chairman of the South Eastern Railway Company, he did not wish to see this line completed, as it would draw away some of the traffic on that line between Cannon Street and Charing Cross. The hon. Member said it was quite irregular, or very nearly so, to prevent a Petition for

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a Private Bill from going to a Committee. He (Captain Aylmer) was sorry to detain the House even for a moment; but he wished to point out that there was a precedent for the course now proposed to be taken by the hon. Member for the Tower Hamlets (Mr. Ritchie) in regard to the Bill. The hon. Member for Hythe brought in a Bill in 1876, which contained a clause of exactly the same nature as one in the present Bill; but it was opposed and rejected on the second reading. The present Bill proposed that interest on capital should be paid out of capital, and the Bill of 1876 had a clause to the same effect; and, although it was promoted by the hon. Gentleman, the House rejected it upon the second reading upon that ground. He (Captain Aylmer) thought the House would be justified in rejecting the present Bill for the same reason. The principle it involved was one of an exceptionally dangerous character; and if the House rejected the Bill it would simply be following the precedent which had already been established. It ought also to be rejected because it was an attempt to override an Act passed last Session, in which certain conditions were laid down in regard to another scheme, which conditions were not carried out in the present measure. Upon these grounds he seconded the Amendment moved by the hon. Member for the Tower Hamlets for the rejection of the Bill.

SIR HENRY SELWIN-IBBETSON said, that setting aside the question between the hon. and gallant Member for Maidstone (Captain Aylmer) and the hon. Member for Hythe (Sir Edward Watkin), as to whether there were rival schemes for the completion of this line of railway, the question they had really to consider was, whether the objections that had been taken to the Bill were in themselves objections to the ordinary practice of the House with regard to Private Bills, and should induce the House to stop the measure now instead of leaving it to a Committee to deal with the Bill when it came in the ordinary course before them. He should not have risen to take part in the debate if it had not been for the circumstance that the completion of this Inner Circle was an object of the greatest possible importance to the division he had the honour to represent of a neighbouring county to the Metropolis. Business

men who had long been anxious for the completion of the Inner Circle saw the contests which were going on between different Railway Companies to prevent what would be a great public work with the greatest possible regret; and he ventured to say that the question was one of such deep importance to the general commercial world, and of such especial importance to people engaged in commerce who lived in the county which he had the honour to represent, that he thought hon. Members should pause before they adopted a course which was seldom attempted in that House—namely, that of rejecting a Private Bill upon the second reading, and of not allowing it to go before a Select Committee for its merits to be sifted, and for the opponents to be heard in the ordinary way. He sincerely trusted that the House would not adopt the course suggested by the hon. Member for the Tower Hamlets, but would consent to read the Bill a second time.

MR. ROWLEY HILL had no desire to interfere with the passing of a measure to promote a great public improvement; but, at the same time, he thought that it was highly important for the House to maintain the rights of the owners of property to whom Parliament in its wisdom had given protection. This Bill, as far as he understood its provisions, proposed not merely to complete the Inner Circle Railway, but also to abolish and get rid of some very important provisions of the Lands Clauses Consolidation Act, which were enacted for the protection of the owners of property. The hon. Baronet who proposed the second reading of the Bill (Sir Edward Watkin) did not pretend to say that the measure conferred the rights it sought in a way which had ever been attempted before. Although Parliament in some cases had allowed the underpinning of walls, this Bill went much further, and allowed an easement to be acquired under the houses beneath which the line was to pass. In this way very valuable property in the City might be destroyed, and the continuity of premises interfered with in a very important manner. He, therefore, trusted that the House would be of opinion that it was due to themselves to stand by the rule they had themselves laid down for the protection of the owners of property, and that they would not consent to set it aside by reading the Bill a second time. It was true that

the opponents would have an opportunity of going before a Committee upstairs; but what right had any Railway Company to ask that individuals should be put to the cost of appearing before a Committee to protect the rights which Parliament had conferred upon them? These rights were granted by the Lands Clauses Consolidation Act of 1845; and he trusted that Parliament would now send the Bill back again to its promoters with an intimation that if they desired to pass it they must bring it in again without these objectionable clauses. The hon. Baronet who moved the second reading of the Bill himself admitted that it involved an injustice to the owners of property, because he said that it would enable the line to be made in a cheaper manner than other lines had been able to be made. And how was the cheapening to be effected? Why, by robbing the owners of private property. He hoped the House would stand by the owners of private property, and not allow a Railway Company to exercise these tyrannical powers over them. This Company had for many years past been serving notices of various kinds upon the owners of property, which left such owners in a state of uncertainty with regard to the valuable property they possessed, and prevented them from dealing with it to the advantage they might otherwise have done if there had been no element of uncertainty. In the end, the Acts which had been obtained had not been carried out. He trusted the House would reject the Motion for the second reading of the Bill.

MR. LYON PLAYFAIR said, the hon. Member for the Tower Hamlets had justly drawn the attention of the House to a peculiarity in the present Bill which did not yet exist in any of the Acts passed by that House. The peculiarity was that the railway might burrow under a house without the directors being compelled of necessity to buy the whole house under which they burrowed. But the question before the House at present was whether this new power should be carefully considered by a Select Committee, or whether the House should reject the second reading of the Bill. It was, undoubtedly, a new power, which the House had never before given. It had given power to burrow under cellars, and to underpin the

walls of a house; but, at the present moment, there was no power to burrow under a house itself. Still, though this was a new power, as the attention of the House had been drawn to it, the Select Committee would carefully consider it on its merits, and would be able to advise the House, with a full knowledge of the circumstances, whether it was wise that this power should be given by an Act of Parliament. There was another power to which the hon. and gallant Member for Maidstone (Captain Aylmer) had referred, and that was also peculiar to this Bill—namely, that interest should be given to capital during the course of construction. It was true that the clause did not profess to pay interest out of capital, but out of some reserve fund. As paying interest on capital during construction was against the spirit of Standing Order 167, the Select Committee would be required to consider that clause also. There was nothing, so far as he saw, in considering this Bill, as Chairman of Committees, which induced him to advise the House to refuse the second reading of the measure. But if it was referred to a Select Committee, he thought they should carefully consider these two points as well as another clause referring to the limits of deviation.

MR. ALDERMAN W. LAWRENCE said, the right hon. Gentleman who had just sat down (Mr. Lyon Playfair) told the House there were peculiarities connected with the present Bill, although he did not see anything to prevent them from reading the Bill a second time, even although it contained clauses that were shown to be of a very exceptional character. He believed that this was the first time that clauses of this kind had ever been introduced into any Railway Bill whatever. Last year the Bill promoted by the Metropolitan Railway and the Metropolitan District Railway was sent upstairs and very ably argued there. It met with very great opposition, and it was thought that the Railway Companies had made an excellent bargain before the Committee upstairs. They were enabled to pass certain new clauses that were strongly objected to; but he was certain that if the Bill of last year had contained this clause—Clause 10—the measure would never have been passed at all. The objection which he entertained to the Bill now

was to the principle that a Railway Company should come before Parliament with a Bill in one Session, and after it had been ably discussed upstairs, alterations made, and the Bill passed into law, and after having carried on negotiations with the Metropolitan Board of Works, and with the authorities of the City of London, in reference to the contributions to be paid towards the formation of the new street, and finding that they were not able to come to an agreement with them, should introduce another Bill at the next Session of Parliament with entirely different provisions. He might mention in connection with this railway that the completion of the Inner Circle was admitted to be of great importance by everyone. At the same time, there was connected with the completion of the Railway the formation of a new street which was of equal importance, and which was to open up a communication between the West and the East Ends of the Metropolis. The combination of the two schemes was part of the arrangement sanctioned by the Committee upstairs. Clauses were inserted in the Bill for carrying out this arrangement between the Railway Companies, the Metropolitan Board of Works, and the authorities of the City of London. Negotiations had been going on, and various sums had been mentioned in connection with the works between the three parties to the arrangement—the Metropolitan Board of Works on the one part, the Corporation of the City of London on the second part, and the Metropolitan Railway Company and the Metropolitan District Railway Company on the third part. They had not yet been able to agree upon all the points, although they had been coming somewhat nearer together. It seemed that two of the parties undertook the responsibility of paying the other party a certain specified sum of money. Under these circumstances, he held that it was too bad for the Railway Companies, after having obtained the passing of their former Bill, and not having been able to complete the negotiations, to object to the arrangement in regard to the new street. It was unfair for the Railway Companies to say now—"We will make the railway without the new street; we will burrow under your houses, and go to Parliament and ask them for power to complete our railway,

leaving you to do what you like with regard to the new street." The new street was of quite as much importance to the inhabitants of the Metropolis as the completion of the Inner Circle Railway. The Railway Companies were to have the advantage of making their railway under that new street, and the arrangement would be of mutual benefit to the three parties. If properly carried out, it would be of benefit to the Metropolitan Board of Works and the Corporation of London as well as to the Railway Companies. It would be of benefit to the Board of Works and the Corporation of London to have the new street, and it would be of benefit to the Railway Companies to have their railway completed. In all probability, if the Railway Companies were allowed to have recourse to a new arrangement, the opportunity of forming a new street would be lost. If the House threw out the present Bill he had not the slightest doubt in the world that an arrangement would be come to that would be satisfactory to all the parties concerned. Therefore he urged that if the House was disposed at any time to sanction the principle of enabling a Railway Company to burrow under private property, this was not the time for establishing such a principle, and it was not the time for permitting a Railway Company to bring in a new Bill with a fresh clause setting aside the arrangement which had been made and completed. He had thought that the House had seen the last of everything connected with the completion of the Inner Circle Railway. If the House consented to pass the present Bill, he had no doubt that the Railway Company would bring in another little Bill next year. The Corporation of the City of London and the other authorities opposed the Bill, and he called upon the House to reject it. In that event he had no doubt they would soon find that a great improvement would take place in the arrangements, without troubling a Committee upstairs to discuss this or that peculiar feature of the scheme. The Bill was simply brought in to enable the Railway Company to add a clause to their former Bill conferring powers on the Company which they had not dared to ask for in their original scheme. He hoped the House would reject the second reading of the Bill and refuse to give the power now

asked for to burrow under the property of private individuals.

MR. EVANS said, the whole matter was fully argued before the Select Committee last year. The Bill then brought forward was a very important one, and several of the questions mooted to-day had been raised before that Committee, and in principle adopted. The Committee consented to allow the underpinning of walls and cellars without requiring the Railway Company to take the whole of the premises; but, on the other hand, they refused to entertain the question without also including the proposal for the formation of a new street. He thought that, in all probability, if the new street had been left out of the Bill altogether, it was very doubtful whether the Committee would have passed the Preamble of the Bill. It was, therefore, a very important point to consider now. What had been said about the underpinning of houses was a matter that was not brought before the Committee, although the question of underpinning cellars and walls was; and it was, therefore, impossible for him to say what view the Committee might have taken upon that point. Still, he thought, with the right hon. Gentleman the Chairman of Ways and Means, that it was a proper question to be submitted to a Committee upstairs; and he therefore ventured to suggest that the House should assent to the second reading of the Bill, with the view of having that question carefully considered by a Committee, and it was certain to be fully and ably argued before them. The new street was quite another matter, and he very much doubted indeed whether any Committee would consent to the abandonment of that portion of the scheme.

Question put.

The House *divided*: — Ayes 174; Noes 100: Majority 74.—(Div. List, No. 23.)

Main Question put, and *agreed to*.

Bill read a second time, and *committed*.

CAPTAIN AYLMER, in moving—

"That it be an Instruction to the Committee on the Bill to consider and Report on the course taken by the Metropolitan and Metropolitan District Railway Companies, the Promoters of the Bill, in carrying into effect the powers of 'The Metropolitan and Metropolitan District Railways Act, 1879,' and 'The Metropolitan

Inner Circle Completion Act, 1874,' and also the expediency of granting an extension of time for the purchase of land for the line authorised by the Act of 1874 above-mentioned,"

said; he thought, after the remarks which had been made by the Chairman of the Committee which sat upon the Bill last year, that the House would consent to the reference which he now proposed. The same thing was done last year, and it was desirable that the new Committee which was to sit upon the present Bill should have before them all the facts connected with the great improvement which the Corporation of the City of London regarded as of so much importance. He would not detain the House longer, but would simply move the Instruction of which he had given Notice. The first part of it was agreed to by the House last year when the Bill was sent to a Committee upstairs, so that the whole of the subject might be fully considered. The last part required one or two remarks from him. When the Bill was considered last year, and the Preamble was declared to have been proved, it was ordered to run alongside of another Bill, and his object was to secure that the same course should be followed now.

Motion made, and Question proposed,

"That it be an Instruction to the Committee on the Bill to consider and report on the course taken by the Metropolitan and Metropolitan District Railway Companies, the Promoters of the Bill, in carrying into effect the powers of 'The Metropolitan and Metropolitan District Railway Act, 1879,' and 'The Metropolitan Inner Circle Completion Act 1874,' and also the expediency of granting an extension of time for the purchase of land for the line authorised by the Act of 1874 above-mentioned."—(Captain Aylmer.)

SIR EDWARD WATKIN said, the hon. and gallant Member was a little more inaccurate in the statement he had just made than he was a little time ago. He should, however, like to ask the authorities of the House if there was any precedent for an Instruction of the kind proposed by the hon. and gallant Member for Maidstone.

THE SPEAKER: The hon. Member for Hythe (Sir Edward Watkin) has put a question on a point of Order. I see no objection, as far as the Forms of the House are concerned, technically speaking, in the proposition which the hon. and gallant Member for Maidstone (Captain Aylmer) has submitted.

Mr. Alderman W. Lawrence

No explanation was offered to us as to the reasons why no attempt even to prove those charges was made, notwithstanding they had never been withdrawn.

And no observation was addressed to us by Mr. Monk's Counsel, which indicated to our minds that he was surprized at the course adopted, and at the sudden abandonment of the Petition so far as it affected Mr. Monk.

Moreover, after our judgment was given declaring Mr. Monk to have been duly elected, Mr. Monk's Counsel made no application for his costs, which we were prepared to award him had he asked for them, as we intimated to him; but he declined to make any application upon the subject.

Under these circumstances we are not satisfied that the abandonment of the case against Mr. Monk was not the result of an arrangement made with the view of withholding from us the evidence of the extensive corrupt practices which there is reason to believe had taken place at the Election.

Given under our hands, this 15th day of June 1880.

C. E. POLLOCK.
H. HAWKINS.

To the Right Honble.

The Speaker of the House of Commons.

And the said Report, together with the said Certificates and Reports, were ordered to be entered in the Journals of this House.

QUESTIONS.

POOR LAW—OUT-DOOR RELIEF (IRELAND).

COLONEL COLTHURST asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the terms of the Local Government Board Circular of the 1st June 1880, requiring, as a condition for the receipt of out-door relief by the able-bodied, that each person shall do eight hours labour; and, whether he will modify the above conditions and assimilate them to those in force in England, by leaving it to the discretion of the guardians to require the labour test?

MR. W. E. FORSTER: Sir, I have seen the Circular referred to in the Question of the hon. Gentleman, and I must say that the Order now in force is similar to one issued during the famine of 1846. The hon. Member is not altogether correct in thinking that there is no discretion in the hands of Boards of Guardians, the words "so far as practicable," qualifying the condition. I fear the labour test is necessary.

LOWER THAMES VALLEY—MAIN SEWAGE BOARD.

MR. CUBITT asked the President of the Local Government Board, Whether he has arrived at any decision respecting the sewage scheme of the Lower Thames Valley Main Sewage Board; and, whether he will lay upon the Table the official Reports of the inspectors upon it?

MR. DODSON: The Department has recently received the Report of the Inspector, which has been referred back to him for some further information. The matter will receive my attention as early as practicable; but the question is one of unusual importance and involving interests of great magnitude, and it cannot be disposed of without the most careful consideration. When a decision has been arrived at I will see whether the Report can be laid on the Table; but it is not usual to do so, as these Reports are intended for the guidance of the Board only. If the Report is laid on the Table, a similar course must be adopted with the Evidence, which extended over more than 40 days.

INTERMEDIATE EDUCATION (IRELAND) ACT—EXAMINATIONS AND REWARDS.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has observed the fact disclosed in the published accounts of the Intermediate Education Board for Ireland for the period from October 1878 to December 1879, that it has cost £11,227 in expense of administration to distribute £11,987 in exhibitions, prizes, and fees, and that a balance of £9,987 of the income for the period has been left unused by the Board; and, whether steps will be taken to secure a better administration than that which applies but one-third of the income for the purposes contemplated by this Statute, whilst another third is absorbed in the cost of administration, and the remaining third is not employed at all?

MR. W. E. FORSTER: I have seen the accounts to which the hon. Member refers. I would remind him that the Intermediate Education Act has two objects—namely, the carrying out of the system of public examinations and the

linson Ratcliff, the Member whose Return and Election were complained of in the said Petition was not duly elected, and that his Election and Return were void, because he, by his Agent, one William Edmund Ballinger, was guilty of bribery at and before the said Election.

And whereas charges were made in the said Petition of corrupt practices having been committed at the said Election to which the Petition refers, we, in further pursuance of the said Acts, report as follows:—

That, upon the trial of the said Petition, no corrupt practice was proved to have been committed by or with the knowledge or consent of either of the Candidates at the said Election.

And, in further pursuance of the said Acts, we further report that the persons who were proved at the trial to have been guilty of corrupt practices, namely, bribery at the said Election, are, William Edmund Ballinger, William Spiers Wilson Brotherton, Thomas Taylor, and David Plumb.

And, in further pursuance of the said Acts, we report that, upon the evidence before us to which we have confined our attention, there was no reason to believe that corrupt practices extensively prevailed at the said Election to which the said Petition relates.

Given under our hands this 15th day of June 1880.

C. E. POLLOCK.
H. HAWKINS.

To the Right Honourable
The Speaker of
The House of Commons.

CITY OF GLOUCESTER ELECTION.

In the matter of the City of Gloucester Election Petition.

We, Sir Charles Edward Pollock, knight, one of the Barons of the Court of Exchequer, and Sir Henry Hawkins, knight, one of the Justices of the High Court of Justice, two of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of The Parliamentary Elections Act, 1868, and The Parliamentary Elections and Corrupt Practices Act, 1880, certify that upon the 9th day of June instant (1880), we duly held a Court within the City of Gloucester for the trial of, and did try, the Election Petition for that City between Edmund Digby Worsley, James Franklin, and George Twyford, Petitioners; and Thomas Robinson and Charles James Monk, Respondents.

And, in further pursuance of the said Acts, We certify that at the conclusion of the said trial we determined that the said Thomas Robinson, one of the Members whose Return and Election were complained of in the said Petition, was not duly elected, and that his Election and Return were void, because he, by his Agent, one John Clement Morris, was guilty of bribery at and before the said Election, and that the said Charles James Monk, the other of the said Members whose Return and Election were complained of in the said Petition, was duly elected and returned.

And whereas charges were made in the said Petition of corrupt practices having been committed at the said Election to which the Petition

refers, we in further pursuance of the said Acts, report as follows:—

That upon the trials of the said Petition no corrupt practice was proved to have been committed by or with the knowledge or consent of any or either of the Candidates at the said Election.

And, in further pursuance of the said Acts, we further report that the persons who were proved at the trial to have been guilty of corrupt practices, namely, of bribery at and before the said Election, are:—

John Clement Morris, Joseph Stoddart, and Thomas Meadows.

And, in further pursuance of the said Acts, we report that there is reason to believe that corrupt practices extensively prevailed at the Election to which the Petition relates.

And, in further pursuance of the said Acts, we specially report the following matters which arose in the course of the trial, an account of which in our judgment ought to be submitted to the House of Commons.

The Petition was presented against the said Thomas Robinson and Charles James Monk jointly, and charged them jointly and severally with bribery, treating, and intimidation and undue influence, before, during, and after the said Election.

In the particulars of the bribery alleged and charged against the Respondents, no less than 80 cases of bribery were specifically mentioned.

On the day before the trial, the Respondent Thomas Robinson, by a notice under his hand, signified his intention not to oppose the Petition.

At the trial, the Respondent Thomas Robinson did not appear either in person or by Counsel or otherwise to oppose the Petition. The Respondent Charles James Monk did appear by Counsel. The evidence of Joseph Stoddart and John Clement Morris (Shorthand Notes of which accompany our Report) was abundantly sufficient to satisfy us that bribery had been committed by John Clement Morris, an Agent of the said Thomas Robinson, that he had bribed Joseph Stoddart, Thomas Meadows, and a third man, whose name was unknown, to vote.

Stoddart was the first Witness examined, and it will be seen that in his evidence he stated that he was asked by Morris to vote for Monk and Robinson.

This Witness was allowed to leave the box unquestioned by Mr. Monk's Counsel. It is due to Mr. Monk to say that Morris, who was afterwards called, denied that he had mentioned Mr. Monk's name, but this was after Stoddart had left the box.

No other evidence was offered with respect to any one of the other cases mentioned in the particulars, and there was no attempt made to establish any one of the charges made against Mr. Monk or his Agents.

We have no reason to suppose that in delivering the particulars the Petitioners acted otherwise than under a belief that they would be in a condition to affect both the seats.

Before the trial we believe that the charges of personal bribery against Mr. Monk were abandoned, but no application was made to withdraw the charges of corrupt practices through his alleged agents, and his Counsel appeared in Court as though those charges were to be persisted in.

No explanation was offered to us as to the reasons why no attempt even to prove those charges was made, notwithstanding they had never been withdrawn.

And no observation was addressed to us by Mr. Monk's Counsel, which indicated to our minds that he was surprised at the course adopted, and at the sudden abandonment of the Petition so far as it affected Mr. Monk.

Moreover, after our judgment was given declaring Mr. Monk to have been duly elected, Mr. Monk's Counsel made no application for his costs, which we were prepared to award him had he asked for them, as we intimated to him; but he declined to make any application upon the subject.

Under these circumstances we are not satisfied that the abandonment of the case against Mr. Monk was not the result of an arrangement made with the view of withholding from us the evidence of the extensive corrupt practices which there is reason to believe had taken place at the Election.

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C. E. POLLOCK.
H. HAWKINS.

To the Right Honble.

The Speaker of the House of Commons.

And the said Report, together with the said Certificates and Reports, were ordered to be entered in the Journals of this House.

QUESTIONS.

POOR LAW—OUT-DOOR RELIEF (IRELAND).

COLONEL COLTHURST asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the terms of the Local Government Board Circular of the 1st June 1880, requiring, as a condition for the receipt of out-door relief by the able-bodied, that each person shall do eight hours labour; and, whether he will modify the above conditions and assimilate them to those in force in England, by leaving it to the discretion of the guardians to require the labour test?

MR. W. E. FORSTER: Sir, I have seen the Circular referred to in the Question of the hon. Gentleman, and I must say that the Order now in force is similar to one issued during the famine of 1846. The hon. Member is not altogether correct in thinking that there is no discretion in the hands of Boards of Guardians, the words "so far as practicable," qualifying the condition. I fear the labour test is necessary.

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MR. CUBITT asked the President of the Local Government Board, Whether he has arrived at any decision respecting the sewage scheme of the Lower Thames Valley Main Sewage Board; and, whether he will lay upon the Table the official Reports of the inspectors upon it?

MR. DODSON: The Department has recently received the Report of the Inspector, which has been referred back to him for some further information. The matter will receive my attention as early as practicable; but the question is one of unusual importance and involving interests of great magnitude, and it cannot be disposed of without the most careful consideration. When a decision has been arrived at I will see whether the Report can be laid on the Table; but it is not usual to do so, as these Reports are intended for the guidance of the Board only. If the Report is laid on the Table, a similar course must be adopted with the Evidence, which extended over more than 40 days.

INTERMEDIATE EDUCATION (IRELAND) ACT—EXAMINATIONS AND REWARDS.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has observed the fact disclosed in the published accounts of the Intermediate Education Board for Ireland for the period from October 1878 to December 1879, that it has cost £11,227 in expense of administration to distribute £11,987 in exhibitions, prizes, and fees, and that a balance of £9,987 of the income for the period has been left unused by the Board; and, whether steps will be taken to secure a better administration than that which applies but one-third of the income for the purposes contemplated by this Statute, whilst another third is absorbed in the cost of administration, and the remaining third is not employed at all?

MR. W. E. FORSTER: I have seen the accounts to which the hon. Member refers. I would remind him that the Intermediate Education Act has two objects—namely, the carrying out of the system of public examinations and the

distribution of the rewards. One half the expense of administration is connected with the cost of examinations, an essential duty of the Board. Much of the other half of the expense of administration arises from expenses necessary in first starting the Act. As regards the fact that one-third of the income has not been employed within the time with which the Report deals, that also arises from the Act having only so recently come into operation; but so great is the increase in the number of candidates that I fear this year the difficulty will be to bring the expenses within the income of the fund allocated.

BARONIAL SESSIONS (IRELAND)— PRESENTMENTS.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that the extraordinary presentment session for the barony of Tireragh, county of Sligo, passed in March last 69 presentments, amounting to £2,683; that £1,004 of the outlay so proposed was approved of by the Board of Works; and that, nevertheless, last month the baronial session dissolved itself, having arranged for but one contract of £130, and having allowed all the other presentments to become void, including one in respect of a boundary wall to a road beside the river at Ballina, which road the Grand Jury have left in a condition that is dangerous to the safety of life; whether the presentment session was bound to make arrangements for carrying out the presentments approved of by the Board of Works; and, whether steps will be taken to have these presentments executed?

MR. W. E. FORSTER: Sir, at the baronial session referred to by the hon. Member 19 (not 69) presentments were made, amounting to £2,683, of which sum £1,004 was approved of. When notifying the approval to the secretary of the Grand Jury, the Board of Works directed that steps should be at once taken to have the works executed. I am not aware of the action by the baronial session which is stated by the hon. Member to have taken place; but I have directed immediate inquiry to be made, and if I find intervention desirable I will take such steps as I may find necessary.

Mr. W. E. Forster

NATIONAL SCHOOL TEACHERS' RESIDENCE ACT.

MR. BELLINGHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether steps will be taken to enable managers of National Schools to avail themselves of the National School Teachers' Residence Act, passed in 1875 and amended in 1879, by affording them facilities for borrowing money to erect residences in places where there are none?

MR. W. E. FORSTER: I have inquired into this subject, and find that considerable facilities already exist for managers of National Schools to borrow money to erect residences for teachers. The Commissioners of National Education are anxious that these facilities should be availed of; but they inform me they have no control in the matter over the managers, and though some managers find a difficulty in procuring free sites for their residences, the main cause of the difficulty arises from the non-action of the managers themselves. The Commissioners, in their last Report, say—

“ We have to express our regret and disappointment at the apathy exhibited by the managers of National Schools in not availing themselves of the facilities afforded by this measure for providing suitable dwellings for teachers.”

WAYS AND MEANS—THE RESOLUTIONS—STOCKS OF DUTY-PAID WINES.

MR. M. BROOKS asked the First Lord of the Treasury, If it is the intention of the Government to follow the principle, adopted in the instance of wines in 1860, as well as with other articles of commerce at different periods, and allow to wholesale dealers a drawback equivalent to the reduction now proposed, on any stocks of Duty paid wines they may have on hand at the time when the new scale of Duties comes into operation?

MR. GLADSTONE: In answer to the Question of my hon. Friend what I have to say is this. It is true that in the case of wines of 1860, and in regard to other articles of commerce at different periods, allowance has been made to wholesale dealers on the occasion of reductions of duty; but it is true with very great limitations indeed. In fact, it may almost be said that the system of drawback

or allowance on duty-paid stocks of articles imported from abroad has for a great length of time been practically extinct. A certain amount of allowance was made in 1860 in regard to wines; but the reduction made on the duty of wines at that period was a large and heavy one, amounting to more than 60 per cent where the duty was lowest, and to between 80 and 90 per cent where it was highest. I, therefore, am not prepared to give any pledge at the present time whether any reduction will be made. Any reduction that may be made will be in a very limited amount in proportion to a small percentage of the value of the article. All I can say is, that it would be well if those interested in the matter would be good enough to lay before me all they can in the way of precedent and argument for and against these allowances or drawbacks on articles of this kind, and I can assure them the information will receive my most careful consideration. The matter will be open to discussion in this House when we come to deal with the Resolutions.

POST OFFICE (MAIL CONTRACTS)—THE
'ORIENT AND THE PENINSULAR AND
ORIENTAL COMPANIES.

MR. BAXTER asked the Postmaster General, What has been the annual loss between the 31st March 1876 and the 31st of March 1879, under the Postal Contract of 1st August 1874, on carrying the India, China, and Australian Mails; what would be the estimated annual loss on that Contract were the postage reduced to the Postal Union rate of 2½d., in compliance with the wishes of various public bodies and meetings in India; and, if his attention has been called to the fact that the Peninsular and Oriental Contract speed to Australia is 10½ to 11 knots, whereas the average speed of the steamers of the unsubsidised Orient Company is 14 to 15 knots, and that, although upwards of 1,000 miles are added to the distance traversed by the latter in consequence of their going out round the Cape, the average length of their passages in 1880 has been only forty days, whereas that of the Peninsular and Oriental vessels during the same period has been forty-eight days?

MR. FAWCETT: The annual loss to the revenues of the United Kingdom on the contract for the mails to India, China,

and Australia was, in 1876, £216,000; in 1877-8, £239,000; and the estimated loss on the year 1878-9 is £246,000. The estimate of the loss which would have been incurred if the postage had been reduced to half the amount would be about £28,000 in addition to the loss actually incurred. With regard to the other Question, it is correct to state that the contract speed of the Peninsular and Oriental Company in carrying the mails to India, China, and Australia is about 11 knots an hour. I am by no means answerable for this contract, which was entered into before the present Government came into Office, and I voted against it. The average time taken by the Peninsular and Oriental Company's steamers between London and Melbourne *via* Brindisi in the transmission of mails is not, as my right hon. Friend says, 48 days, but the contract period is 39½ days, and that time, I believe, has been in only one instance exceeded. It is true that the average rate of passage in the vessels of the unsubsidised Orient Company is considerably faster than that of the subsidized line of the Peninsular and Oriental Company. The average rate of speed of the former is between 14 and 15 knots an hour, and from information sent to the Post Office I believe the length of the passage from Plymouth to Adelaide, the first port at which they stop, is a few hours under 40 days. In one instance the passage was completed in 35 days. By the Peninsular and Oriental Line the mails from London to Adelaide are delivered in 37 days on the average.

BRITISH SUGAR REFINERS—THE
FRENCH DUTIES.

MR. MACLIVER asked the First Lord of the Treasury, If the French Government, in the course of the present negotiations for the reduction of the Wine Duties, has agreed to meet the complaints of British sugar refiners; and if the proposal now before the French House of Assembly for reducing (in October next) the fiscal Duty on sugar in France from 70 to 40 francs per 100 kilos, is the one which is to be substituted for the present system?

MR. GLADSTONE: Sir, formal negotiations between the two Governments can hardly be said to have commenced. The proposal now before the French

House Assembly for reducing in October the fiscal duty on sugar in France was made by the French Government on its own responsibility, and without any previous communication with us. We have to judge it upon its merits and see what becomes of it. There is no engagement bearing upon it in any way. The material object of the Question of my hon. Friend I suppose is to obtain an assurance that the subject will be borne in mind when negotiations come on between the British and French Governments, and that assurance I can freely give him.

STIPENDARY MAGISTRATES (IRELAND).

MR. WARTON asked the First Lord of the Treasury, Whether it is the intention of the Government, in consequence of the defeat sustained by them on Friday night, to issue the Returns relating to Stipendary Magistrates in Ireland which they considered should not be issued, due regard being had to the interests of the public; if not, whether it is their intention to take immediate steps to ask the House to rescind the vote?

MR. SEXTON, as the Mover of the Returns in question, asked whether it was not unprecedented to bring such a Question before the House?

MR. W. E. FORSTER: I only saw this Question five minutes ago. Not having been addressed to me, it escaped my notice, and I have not had time to communicate with my right hon. Friend the Prime Minister. It is not the intention of the Government to ask the House to rescind the vote. It was one of those Returns that are put down thinking they are unopposed, and it is usual to give Notice to the Department concerned that they will be pressed if they cannot be so given. I had told the hon. Gentleman two or three days before to be good enough to confer with me. Part of the Return I was willing to give; another part was unnecessary. There is no real objection to the Return, except that it gives very great trouble to the Office. If I had thought the Return would have been seriously pressed on Saturday morning, I should have remained here instead of going to bed. As it is now, I think it better to let the matter stand as it is.

Mr. Gladstone

NAVY—CHATHAM DOCKYARD EXTENSION.

MR. AKERS-DOUGLAS asked the Secretary to the Admiralty, Whether his attention has been called to a statement contained in the "Echo" of June 11th, that—

"On the completion of the works for the extension of the Chatham Dockyard, upon which about 1,500 convicts are employed, Chatham will cease to be a penal station, as the convicts will be removed to other places and the prison will be converted into a Naval barrack. The officers and men of the Naval Reserve will be transferred from Sheerness to Chatham ;"

and, whether such statement is correct?

MR. SHAW LEFEVRE: It is true that the work on the extension of Chatham Dockyard will be nearly complete in about a year's time, and there will then be no further employment for the convicts. It will then be for the consideration of the Home Office whether to maintain the convict prison there; but I have heard of no proposal to convert the prison into a barrack for officers and seamen, in lieu of the naval barracks at Sheerness, and there is no such intention.

MUNICIPAL CORPORATIONS — LEGISLATION.

MR. DODDS asked the Secretary of State for the Home Department, Whether Her Majesty's Government intend to introduce during the present Session of Parliament any measure for the consolidation and amendment of the Laws relating to Municipal Corporations?

SIR WILLIAM HARCOURT: I am afraid my answer must be that, in the present state of Public Business, I see no prospect of being able to introduce such a measure.

ARMY—PROPOSED VOLUNTEER REVIEW IN HYDE PARK.

LORD ELCHO asked the Secretary of State for War, Whether, inasmuch as Government have refused to sanction a Review of Volunteers in Hyde Park, because public order would be endangered, and the trees, flowers, and shrubberies injured by the crowd that would be assembled on such an occasion, and also on account of the interruption to street traffic, it is to be understood that for the future no Reviews of the regular troops, or militia, nor any

political demonstrations are to be held in Hyde Park; and, what was the amount of injury, in money value, done to the flowers and shrubberies on the occasion of the last Volunteer Hyde Park Review?

MR. CHILDERS: In reply to my noble Friend, I must remind him and the House that, as Secretary of State for War, I have nothing to do with the general regulations for the use of Hyde Park, and I am not aware that it is intended under the Statute to make any change in those regulations. So far as the use of the Park for Reviews is concerned, no general decision has been adopted by the War Department, but each case will stand on its own merits. The proposals for the great Volunteer Review were brought before us by a committee of officers, who stated that 45,000 men would be assembled; and Her Majesty's Government were of opinion that, considering the enormous crowds which would probably be collected to witness a Review on such a scale, it ought not to be held in Hyde Park. As to the second Question of my noble Friend, I can only say that I have not charge of the Park, and therefore it is not in my power to say what was the extent of the money value of the injury done on the occasion of the last Volunteer Review.

THE CENSUS BILL.

MR. SCHREIBER asked the President of the Local Government Board, When he hopes to be able to introduce a Bill for taking the Census in 1881?

MR. DODSON, in reply, said, it was his intention to introduce the Bill as soon as the progress of the Business afforded a prospect of the House being able to practically deal with it.

THE CHIEF SECRETARY FOR IRELAND (PATRONAGE, &c.)

LORD RANDOLPH CHURCHILL asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can state to the House what offices in Ireland are in his patronage, and the statutes or other authority by virtue of which such patronage is vested in him; whether, in addition to such patronage (if any), there has, under the arrangements of the Irish department of the present Government, been also vested in him, in

whole or part, the patronage which by statute or the Queen's Patent rightfully belongs to the Lord Lieutenant; and, whether, with a view of giving the House information on the subject, he will lay upon the Table of the House a Copy of Her Majesty's Letters Patent under the Great Seal, appointing Earl Cowper, K.G., Lord Lieutenant General and Governor General of Ireland; and also a Copy of the Warrant, Letter, or other Document whereby the Chief Secretary was appointed?

MR. W. E. FORSTER: Sir, in order fully to answer the Question of the noble Lord, I should have to detain the House with a somewhat long speech; and I cannot but think the matters referred to would be more fitting for a Motion than a Question. If the noble Lord brings on a discussion about them I shall be ready to take part in it. I doubt there being much practical advantage in such discussion; but that I must leave to the discretion of the noble Lord. Meantime, if he will put in the form of a Return the information he desires, I will tell him whether I am able to give it to him. I do not know whether it is necessary for me to add that I know of nothing novel in the relations or arrangements between my noble Friend the Lord Lieutenant and myself, either as regards patronage or anything else.

LORD RANDOLPH CHURCHILL: I beg to give Notice that I will call attention to this matter at an early opportunity, and as soon as possible after the publication of the documents to which the right hon. Gentleman refers.

MR. W. E. FORSTER: I shall wait for the noble Lord to move for those documents, and for him to say what documents he wishes laid on the Table. I did not issue any invitation to him to move for those Papers.

LORD RANDOLPH CHURCHILL: Then, does the right hon. Gentleman refuse to grant the documents?

MR. W. E. FORSTER: If the noble Lord will put that and other matters in the form of a Return, I will be happy to consider the question.

PARLIAMENTARY ELECTIONS — CIRCULAR OF "THE LIBERAL CENTRAL OFFICE."

MR. GORST asked the Secretary of State for the Home Department, Whe-

House Assembly for reducing in October the fiscal duty on sugar in France was made by the French Government on its own responsibility, and without any previous communication with us. We have to judge it upon its merits and see what becomes of it. There is no engagement bearing upon it in any way. The material object of the Question of my hon. Friend I suppose is to obtain an assurance that the subject will be borne in mind when negotiations come on between the British and French Governments, and that assurance I can freely give him.

STIPENDARY MAGISTRATES (IRELAND).

MR. WARTON asked the First Lord of the Treasury, Whether it is the intention of the Government, in consequence of the defeat sustained by them on Friday night, to issue the Returns relating to Stipendary Magistrates in Ireland which they considered should not be issued, due regard being had to the interests of the public; if not, whether it is their intention to take immediate steps to ask the House to rescind the vote?

MR. SEXTON, as the Mover of the Returns in question, asked whether it was not unprecedented to bring such a Question before the House?

MR. W. E. FORSTER: I only saw this Question five minutes ago. Not having been addressed to me, it escaped my notice, and I have not had time to communicate with my right hon. Friend the Prime Minister. It is not the intention of the Government to ask the House to rescind the vote. It was one of those Returns that are put down thinking they are unopposed, and it is usual to give Notice to the Department concerned that they will be pressed if they cannot be so given. I had told the hon. Gentleman two or three days before to be good enough to confer with me. Part of the Return I was willing to give; another part was unnecessary. There is no real objection to the Return, except that it gives very great trouble to the Office. If I had thought the Return would have been seriously pressed on Saturday morning, I should have remained here instead of going to bed. As it is now, I think it better to let the matter stand as it is.

Mr. Gladstone

NAVY—CHATHAM DOCKYARD EXTENSION.

MR. AKERS-DOUGLAS asked the Secretary to the Admiralty, Whether his attention has been called to a statement contained in the "Echo" of June 11th, that—

"On the completion of the works for the extension of the Chatham Dockyard, upon which about 1,500 convicts are employed, Chatham will cease to be a penal station, as the convicts will be removed to other places and the prison will be converted into a Naval barrack. The officers and men of the Naval Reserve will be transferred from Sheerness to Chatham;"

and, whether such statement is correct?

MR. SHAW LEFEVRE: It is true that the work on the extension of Chatham Dockyard will be nearly complete in about a year's time, and there will then be no further employment for the convicts. It will then be for the consideration of the Home Office whether to maintain the convict prison there; but I have heard of no proposal to convert the prison into a barrack for officers and seamen, in lieu of the naval barracks at Sheerness, and there is no such intention.

MUNICIPAL CORPORATIONS — LEGISLATION.

MR. DODDS asked the Secretary of State for the Home Department, Whether Her Majesty's Government intend to introduce during the present Session of Parliament any measure for the consolidation and amendment of the Laws relating to Municipal Corporations?

SIR WILLIAM HARCOURT: I am afraid my answer must be that, in the present state of Public Business, I see no prospect of being able to introduce such a measure.

ARMY — PROPOSED VOLUNTEER REVIEW IN HYDE PARK.

LORD ELCHO asked the Secretary of State for War, Whether, inasmuch as Government have refused to sanction a Review of Volunteers in Hyde Park, because public order would be endangered, and the trees, flowers, and shrubberies injured by the crowd that would be assembled on such an occasion, and also on account of the interruption to street traffic, it is to be understood that for the future no Reviews of the regular troops, or militia, nor any

replaced by a light steel mast. Otherwise, the vessel was ready to proceed to the Mediterranean.

HARES AND RABBITS BILL—THE VALUATION ACT.

MR. DONALDSON-HUDSON asked the Secretary of State for the Home Department, Whether, in the event of the Hares and Rabbits Bill becoming Law and so depriving the landlord of the exclusive right of sporting, it is the intention of Her Majesty's Government to modify or repeal the sixth section of the Act of Victoria, 37 and 38, entitled—

“An Act to amend the Law respecting the liability and valuation of certain Property for the purposes of Rates,”

whereby the landlord pays the whole of the rate to the poor in respect of such sporting rights?

SIR WILLIAM HARCOURT: As far as I understand the matter, it will certainly not be right to repeal or modify this Statute. The hon. Member and myself read the Act in totally different ways. In the 6th clause of the Statute the law assumes that the whole of the game belongs to the tenant, and the consequence is that the tenant is rated in respect to the game; but he may recover that rate from the landlord if the latter reserves the game. If the Hares and Rabbits Bill passes into law and the tenant claims a portion of the game, of course he will not be able to recover from the landlord in respect of such portion. Therefore, the law will remain exactly as it is now. In a sub-section of Clause 6 it is provided that where the right of sporting is severed from the occupation of the land, either the owner or the lessee may be rated as the occupier thereof. Therefore, the landlord will be rated only in respect of that portion of sporting rights which he enjoys. These being the circumstances of the case, I think no modification of the Statute cited will be required; but, of course, if it be found that any alteration is wanted, the attention of the Government will be turned to it.

TREATY OF BERLIN—ARTICLE 24—EUROPEAN CONFERENCE.

MR. A. BALFOUR asked the Under Secretary of State for Foreign Affairs, Whether it be true, as is commonly re-

ported, that a Conference of the Representatives of the European Powers is about to meet at Berlin; and, if so, whether he can tell the House with what matters it is proposed that the Conference should deal; and, whether the Government intend to lay upon the Table of the House Papers relating to this subject?

SIR CHARLES W. DILKE: Her Majesty's Government, in common with the other Powers whose mediation is contemplated in the 24th Article of the Treaty of Berlin, have received an invitation from the German Government to take part in a Conference which is to meet at Berlin to-morrow in order to consider the question of the Greek Frontier, and Her Majesty's Government have accepted this invitation. They will be represented by Lord Odo Russell, who will be assisted by Sir Lintorn Simmons. Papers on the subject will be laid before Parliament very shortly.

SPAIN—COMMERCIAL RELATIONS.

MR. MAC IVER asked the Under Secretary of State for Foreign Affairs, Whether, in the event of a reduction in the Duty upon Spanish Wines, it is the intention of Her Majesty's Government to insist that Spain shall withdraw her differential Duties in such manner that British and Irish vessels may be placed on the same footing as Spanish ships, and may be enabled to land manufactured goods in Spanish ports without being met by a system of taxation which is practically prohibitory? The hon. Member also asked, Whether, in the event of a reduction in the Duty upon French Wines, it is the intention of Her Majesty's Government to insist that France shall make a corresponding reduction in the Duties which are at present levied upon British and Irish manufactures; or if it is intended that France shall continue to tax largely the whole of our manufactures, while we are to admit all hers (except wines) absolutely Duty free?

SIR CHARLES W. DILKE: The matters to which the hon. Member alludes will be carefully considered in the course of the commercial negotiations which Her Majesty's Government hope they may shortly be able to commence with Spain. Her Majesty's Government trust that the result of these negotiations

will be to effect a substantial improvement in the commercial relations of the two countries; but it must be obvious to the hon. Member that it would be quite impossible to make any announcement at present with regard to the particular points on which Her Majesty's Government will insist, or the particular objects which they have in view. The answer which I have already given with regard to the Spanish negotiations will apply equally to the hon. Member's Question about France.

LANDLORD AND TENANT (IRELAND) BILL.

MR. W. E. FORSTER: The hon. Member for West Surrey (Mr. Brodrick) asked me late last evening what course Her Majesty's Government intended to take with regard to the Landlord and Tenant (Ireland) Bill proposed by the hon. Member for Mayo (Mr. O'Connor Power). I promised to answer the Question next Thursday, but it may be to the convenience of the House that I should at once state that we cannot assent to its second reading; but that, in consequence of the distress prevailing in some parts of Ireland, we shall think it right to ask Parliament to enlarge for a time—that is, until the end of the year 1881—the discretionary power of the County Court Judge, so that he may, under certain circumstances, give compensation to tenants in certain districts who are ejected for non-payment of rent. For that purpose I shall propose a new clause in the Relief of Distress (Ireland) Bill now before the House. I shall put this clause on the Table to-night, together with a Schedule of the districts to which it will apply. I may add that my right hon. Friend the Prime Minister wishes me to take this opportunity of stating that he will forthwith advise Her Majesty to appoint a small Royal Commission to inquire into the working of the Irish Land Act of 1870.

LORD ELCHO: in consequence of the statement made by the Chief Secretary for Ireland, I wish to ask the hon. Member for the Tower Hamlets (Mr. Ritchie), as a Member of the Royal Commission on Agriculture, Whether it is or is not the case that, at the close of the present week, the Members of the Commission intend to proceed to Dublin, for the purpose of making inquiries in regard to

the state of the Land Question in Ireland, and whether the matter to which the Chief Secretary has alluded does not form part of the subject which the Commission has to investigate? ["Order, order!"]

MR. RITCHIE said, that as the noble Lord had not given him Notice of the Question, he was not prepared to give to it a definite answer.

MR. SPEAKER pointed out, that it was irregular to put Questions to Members, not being Ministers of the Crown, in relation to Business which was not before the House.

MR. O'CONNOR POWER: I beg to ask the Chief Secretary for Ireland, Whether, on the day set apart for the debate on the second reading of my Bill, he will be able to state the objections which the Government entertain to that measure?

MR. W. E. FORSTER: Certainly.

LORD ELCHO: I thought I was in Order just now, and I apologise for my interposition. I desire to give Notice that, on Thursday, I will ask the Prime Minister the Question which I put to the hon. Member for the Tower Hamlets.

PARLIAMENT—ORDER OF BUSINESS.

In reply to Sir STAFFORD NORTHCOKE,

MR. GLADSTONE said: The Relief of Distress (Ireland) Bill will be the first Order of the Day on Thursday, and the clause of my right hon. Friend will be in the hands of hon. Members to-morrow. I wish to say a word with reference to a Question put to me by my right hon. Friend the late Chancellor of the Exchequer on the subject of the Malt Duties. He made an inquiry about the computation of the drawback on stocks of malt on hand on the 30th of September next, and I mentioned the computations which had been made, and the grounds of those computations. But these were, of course, made under a disadvantage, inasmuch as they could not be conveniently founded upon positive and direct inquiry of competent persons in the trade before the production of the proposals of the Government. As we now stand we are in a position to communicate with the trade with greater freedom, and I have thought it better we should endeavour to check and verify those computations by new inquiries. I shall not be able to produce the figures

Sir Charles W. Dilke

probably till shortly before we proceed to discussion on the Bill, and we shall reserve in the Bill power to make detailed arrangements for the levy of the duty, and to fix the time after which the brewers will be called on to pay the new tax on beer.

SIR GEORGE CAMPBELL asked when the Employers' Liability Bill would be proceeded with?

MR. GLADSTONE said, he was afraid there was no probability of his being able to fix an early day for the discussion of the measure. Due Notice would, however, be given before it was proceeded with.

SIR BALDWIN LEIGHTON wished to know when the Hares and Rabbits Bill would be taken?

MR. GLADSTONE: No day is fixed at present; probably at the beginning of next week.

CO-OPERATIVE STORES—APPOINTMENT OF A COMMITTEE.

MR. R. POWER asked the hon. and gallant Member for Westminster, When he intended to move the re-appointment of the Select Committee on Co-operative Stores?

SIR CHARLES RUSSELL, in reply, said, that as soon as the slight complications which had arisen had been settled, one way or another, he should do his best to get the Committee re-appointed.

M O T I O N S.

PARLIAMENTARY ELECTIONS ACT, 1868—NEW WRITS.—RESOLUTION.

LORD RICHARD GROSVENOR moved—

“That where any Election has been declared void, under the Parliamentary Elections Act of 1868, and the Judges have reported that any person has been guilty of bribery and corrupt practices, no Motion for the issuing of a New Writ shall be made without two days' previous Notice being given in the Votes, such Notice to be appointed for consideration before the Orders of the Day and Notices of Motion.”

MR. J. R. YORKE said, the subject to which the Motion related was one of considerable interest. He recollected that it was his duty in 1866 to sit as a Member of a Committee of that House on an Inquiry which involved the conduct of the constituency of Galway, when

it was unanimously reported that corrupt practices had prevailed at the previous election for that borough. He waited a few days in expectation that a Motion would be made to the effect that a Commission should be issued to inquire into the existence of such practices, and he had then been informed by the Chairman of the Committee, and by Sir George Grey, who was at the time Secretary of State for the Home Department, that they did not intend to take any step of that kind. In spite of the Report of the Committee, no Member thought it his duty to take action; the Report was a nullity, and the constituency went on its way rejoicing to distinguish itself afterwards more than once in a similar manner. Since that time the law against candidates had been made more stringent. The risks to which a candidate was exposed were enough to make him shrink from seeking election. He found an agent chosen for him, and all the machinery of corruption fortified by ancient custom, against which it was impossible for him to contend. If the law was to be stringently enforced against anyone, it ought not to be against the unfortunate candidate, but rather against those who maintained these customs. If a candidate was guilty of personal bribery, he was liable to be indicted for misdemeanour and to be punished by imprisonment; he was disqualified for voting at any Parliamentary or municipal election; he was debarred from holding any municipal or judicial office; and he was to be removed from the Commission of the Peace. In the case of Launceston, a Member had just been unseated for having, in a moment of impatience at the complaints made to him about the ravages of rabbits, practically said—“Oh, bother the rabbits. Do what you like with them.” The Judges held that the law held a candidate responsible for illegal acts which he had directly forbidden.

MR. SPEAKER said, the hon. Member was travelling far beyond the question.

MR. J. R. YORKE said, he was endeavouring to show the hardship with which the law pressed upon the candidate as compared with the constituency. Liberal Members were now falling, and the House would soon have before it the question of the issue of Writs; and it was

better that they should determine beforehand the principles by which they were to be guided.

THE ATTORNEY GENERAL (Sir HENRY JAMES) rose to Order.

MR. SPEAKER said, the hon. Member was travelling beyond the scope of the Resolution, which was strictly limited to the time which should elapse before the House ordered the issue of a New Writ.

MR. J. R. YORKE said, he should not pursue the subject, but would conclude with a Motion that instead of the words "two days" they should insert the words "one fortnight."

Amendment proposed, in line 4, to leave out the word "two" and insert the word "fourteen,"—(*Mr. J. R. Yorke*,)—instead thereof.

Question proposed, "That the word 'two' stand part of the Question."

MR. GLADSTONE said, the Motion was not that the Writ should issue after two days' Notice, but that it should not issue until after two days' Notice. The object was simply to allow of sufficient time for Members to consider whether any case was one in which further delay ought to be asked for. The Resolution did not apply to cases in which it had been reported that corrupt practices had extensively prevailed, as these cases were distinctly provided for by the Act. If in other cases there was no reason for further delay, it would be unjust to the constituencies that such delay should occur, and two days were enough to enable Members to consider whether it was necessary to inflict a penalty on the whole constituency. It appeared from Sir Erskine May's work on *The Law and Practice of Parliament*, that at one period, in 1853 and 1854, it was ordered that no such Motion should be made without seven days' previous Notice in the Votes. The House appeared to have thought, however, that this was rather hard on a constituency unless a more positive presumption of mischief prevailed; for in succeeding Sessions until 1860, and again in 1866, 1874, and 1875, it was ordered that no such Motion should be made without two days' previous Notice being given. He did not think it mattered much whether it was a question of two or three days; but he believed he was supported by the

Mr. J. R. Yorke

experience of the House when he said that 14 days was too long a time, considering that, in the great majority of cases, there would be no ground whatever for preventing the issue of the Writ. Therefore, he must oppose the Motion of the hon. Gentleman.

Question put, and *agreed to*.

Main Question put.

Ordered, That where any Election has been declared void, under the Parliamentary Elections Act of 1868, and the Judges have reported that any person has been guilty of bribery and corrupt practices, no Motion for the issuing of a New Writ shall be made without two days' previous Notice being given in the Votes, such Notice to be appointed for consideration before the Orders of the Day and Notices of Motion.

EUROPEAN ARMAMENTS.

MOTION FOR AN ADDRESS.

MR. RICHARD, in rising to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to instruct Her Principal Secretary of State for Foreign Affairs to enter into communication with other Powers, with a view to bring about a mutual and simultaneous reduction of European Armaments;"

said: I must cast myself on the kind indulgence of the House while I attempt to bring under its attention a subject which all will admit to be one of great importance, and which—as no one feels more deeply than I do—is also one of great difficulty. But while I am oppressed with a sense of the onerous nature of the task I have undertaken, there is some satisfaction in the thought that I am free at least from one kind of embarrassment which sometimes attends discussions in this House, because the question with which I have to deal is one that stands quite apart from all considerations of Party. It is not a question of Party; it is a question of humanity; and certainly nothing shall fall from my lips that will be calculated to provoke the spirit of Party. I recall with pleasure at this moment, that when I brought forward a Motion on International Arbitration in this House, in 1873, a considerable number of Gentlemen on the Conservative side did me the honour to vote in favour of my proposal, and there is no Party reason whatever why they should not support the Resolution which I am now about to submit to the House. There is one other preliminary

remark which I wish to make. I am very anxious that this Motion should be judged on its own merits, apart from any reference to the supposed opinions of the Proposer, or of any class of persons who are thought to take a special interest in it. I believe I lie under the suspicion of belonging to what is called "the Peace-at-any-price Party." What that means, I confess I do not know, except that it is one of those vague terms of reproach with which it is found convenient to smite a political adversary when nothing more precise and pertinent is available for the purpose. Whatever may be my views on certain abstract questions, I hope I have the courage of my convictions, and that I shall be prepared to avow and defend them with such ability as I possess on all fitting occasions. But, on the present occasion, extreme views of that kind are not brought in question at all. I promise the House that I shall not proclaim any dangerously pacific views, and that I shall not ask the House to assent to anything which the most devout believer in the right of war may not consistently support. There is one point I presume on which we are all agreed—namely, that the present armed condition of Europe, the rampant militaryism which pervades and overshadows the nations has grown to such enormous dimensions that it is scarcely possible to use exaggerated language with respect to it. We all feel that this state of things is an affront to reason, a scandal to civilization, a scourge upon humanity, and, above all, that it is a reproach to that holy religion which the nations of Christendom profess to accept and reverence. It seems to me most humiliating when we consider the fact that all the nations of Europe, with one exception, have been for more than 1,000 years professedly subject to the influences of Christian civilization, to the power of that religion which is pre-eminently the religion of peace, and yet at this moment by far the larger proportion of the resources of all these nations is devoted to the construction of weapons of destruction, and to the training and disciplining of millions of men to the adroit use of those weapons for the purpose of mutual slaughter and devastation. There is a celebrated catechism, which, I believe, is still much in use in Scotland; the first question in it is—"What is the chief end of man?"

I have sometimes thought that if any celestial visitor were to come to our world, and were to cast his eye on the state of things which now actually exists in Europe, his answer to that question would be, that the chief end of man must be to fight and to prepare for fighting. It is not easy to say when this insane system of rivalry in armaments during peace came into vogue in Europe. Montesquieu spoke of it 130 years ago as "a new disease" which was spreading through Europe—

"For as soon," he says, "as one State augments its troops, the others forthwith augment theirs, so that they gain nothing by it but a common ruin."

Things were not always so. Vattel tells us that, in the 17th century, when a war was concluded—

"They seldom failed to stipulate in Treaties of Peace that both parties should disband their troops; and why," he asked, "is not this salutary custom continued?"

So far is that from being the case now, that every fresh peace, as it is called—though it may be more fitly termed an armed truce—instead of affording relief to the nations by the diminution of their burdens, becomes a starting-point for new and enormous augmentations of their military forces. Béranger, the celebrated French lyrist, in describing the cost of war, says—

"L'ogre a diné, payez la carte;"

and Bastiat, the distinguished writer on Political Economy, thereupon remarks that the ogre now costs as much for his digestion as for his meals. One thing is certain—that the Russian War, among the many other evils which we owe to it, gave an immense impulse to this process. The right hon. Gentleman the late Chancellor of the Exchequer (Sir Stafford Northcote), in a very able work which he published about 17 years ago, entitled *Twenty Years of Financial Policy*, remarks pointedly on this effect of the Russian War. He said he was not going to inquire whether that war was worth what it cost to mankind at large, or to England in particular—

"But," he adds, "there can be no doubt that among its results have been these two—that it stirred up in Europe a spirit of restlessness, and set all the world to seek for the means of improving the instruments of attack and defence; and to add enormously and without stint or measure to the most unprofitable and unsatisfactory of all possible forms of expenditure."

After every succeeding war the same race of mutual folly and ruin has been renewed with increasing celerity, so that the armed forces of Europe have been growing with so much rapidity as to be almost incredible. An article in the last volume yet published of the new edition of *The Encyclopædia Britannica*, under the word "Europe," contains certain statements, founded on elaborate statistical calculations, which go to show that between the years 1859 and 1874—that is, in the course of 15 years—there have been added to the armed forces of Europe nearly 2,000,000 men. It is not easy to give with accuracy the statistics of European armaments, because they are continually changing, and always changing, I may add, in the direction of increase. Lord Derby stated not long ago his belief that there were 10,000,000 men trained to arms in all ways in Europe, and *The Times* newspaper, at the same time, or shortly afterwards, spoke of 12,000,000 men. Of course, under this estimate all the Reserves are taken into account—the Militia, the Volunteers, the Landwehr, the Landsturm, the territorial army of France, and so on. But I believe it will be no exaggeration to say that at any one moment you may find 4,000,000 men under arms in Europe. This, of course, must entail an enormous cost on the various countries. I have seen many calculations of the amount, and one, by a French gentleman of great reputation, which makes the total estimated cost as much as £500,000,000 a-year. Now, there are three items into which that sum may be divided; first, the money actually extracted from the pockets of the people by the Naval and Military Budgets, which may be put down at £160,000,000 a-year; but that is the smallest part of the matter, and a far more important item is the loss to society by the withdrawal of so many millions of able-bodied men from industrial pursuits. We must remember, of course, that, though it is not his own fault, a soldier merely consumes, and is in no way a producer. I have mentioned two items of the monstrous amount, and now have to add to them the interest of the prodigious sums laid out on instruments and munitions of war of all sorts, ships of war, fortifications, arms, ammunition, accoutrements, and so on; and which, it must be borne in mind, are absolutely

Mr. Richard

unproductive. I ask the House to consider what might be done if only half of this great sum could be economized, if only part of the broad stream of wealth that is yearly carried down the bottomless abyss of military expenditure could be directed to irrigate and fructify the waste places of humanity; how much might be done to relieve the misery, to elevate the character of the people, to provide better dwellings for the poor, to furnish them with productive occupation, to spread the blessings of education among the ignorant and degraded, and generally to improve the material and moral condition of the great masses, whom God, I contend, has given in charge to the civilized and Christian Governments of Europe. Unhappily, also, the expenditure on these armaments is growing with appalling rapidity. In *The Times* newspaper, about the beginning of the year, there was a remarkable article, founded on a calculation by a German statistician, which showed that the annual public expenditure of Europe has risen in 14 years, between 1865 and 1879, from £398,000,000 to £585,000,000. For Russia and Germany, expenditure has more than doubled itself in that period. But, large as these amounts are, they do not satisfy the demands of the Governments, and, in addition, the future is mortgaged to supply the needs of the present. National Debts have grown, in the same period, from £2,626,000,000 to £4,324,000,000, the cause being war and warlike armaments. In the year 1865, Germany spent £10,000,000 on her Army and Navy; now she spends £21,000,000. At the former date Russia spent £22,000,000, and now spends £36,000,000; and a similar increase is noticeable in the case of the other European Powers. Remarking on these astounding figures, *The Economist* says—

"The total increase of expenditure caused by wars and the apprehension of wars has, if we take the average interest at 4 per cent, been £131,000,000 a-year, or considerably more than the taxation of either of the two richest countries in Europe, England and France. The amount at 4 per cent represents a capital of £3,200,000,000, which, as long as that expenditure continues, and much of it is perpetual, is lost to the industrial work of Europe, and, consequently, to the progress of civilization and to the material well-being of the people."

This expenditure is still going on, and, on the principle which seems to be ac-

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What is the true effect of this state of things? One result is that the finances of many, I might say of most, the great States of Europe are in a chronic condition of embarrassment or deficit. Look at Austria. Mr. Martin, in his *Statesman's Manual*, states that in eight years—between 1870 and 1877—

her accumulated deficit amounted to £33,000,000. In France the same thing was going on even before the tremendous catastrophe of the war with Germany. From 1848 to 1869 her accumulated deficits amounted to £100,000,000. It is difficult to know what is the financial condition of Russia, as no authentic statements are published. But we may be very certain that her finances are in, at least, quite as unsatisfactory a condition as that of any European nation, and we know that her Debt has increased from £208,000,000 in 1865 to £600,000,000 in 1879. And even Germany, in spite of the enormous indemnity she received from France, and with no Debt to speak of, has found her expenditure constantly on the increase, while her revenue has been as steadily diminishing. In 1873 her expenditure, as stated in the Imperial Budget, was 340,000,000 of marks, and in 1878 it was 540,000,000 of marks; or, an increase in the course of five years, of 200,000,000 of marks, or £16,000,000. In consequence, Prince Bismarck has been compelled to impose heavy protective duties, which have very seriously interfered with and damaged the commerce of his own and other countries. Lord Salisbury, speaking at the Manchester Chamber of Commerce, called attention to the heavy protective duties imposed on British goods by some of the Continental Governments, and said—

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And peace does nothing to relieve the weight.
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During last winter, I collected a series of extracts from our own and other journals describing the bitter and widespread distress that existed in various parts of Europe. We were told that in Upper Silesia out of a population of 298,000 no fewer than 150,000 “were next door to starvation.” In Hungary, destructive floods had swept away whole villages, and some of the unfortunate inhabitants were found frozen to death in the woods where they had sought shelter. From Cettigne telegrams reported that a sixth part of the population were nearly dying of famine. Miss Irby wrote that in Bosnia and Herzegovina, and in the recently-occupied portions of Novi-Bazar, people were dying of want, cold, and hunger. Sir Henry Layard wrote to Lord Salisbury that in Mossul the people were reduced by want to sell their children. In Italy we read of large meetings of working men demanding—not with clamour and menace, but with a really pathetic moderation—that, if the Government wanted them to pay the heavy taxes imposed upon them, they must first find them work by which they could earn bread for themselves and their families. Nearer at home, in Ireland, there has been distress so severe as to approach to famine. And so in most other European countries, especially in those countries where the mania of militarism is pushed to the greatest length. But, in the meanwhile, what are the Governments of this distressed, paralyzed, half-famishing Europe doing? Oh! they are in full and feverish activity, organizing Armies, Navies, and

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Reserves; forging rifled cannon, manufacturing Minie rifles and chassepots by the million; building iron-clads and torpedoes; constructing new fortifications; drilling and dragooning the people in martial exercises, and stimulating with lavish rewards the inventors of infernal machines for the destruction of life and property. And thus, the resources of all nations, whether derived from the gifts of Nature or the rewards of industry, instead of being turned to purposes of utility and advantage, are squandered, to use again the words of the late Chancellor of the Exchequer, on the most unsatisfactory and unprofitable of all forms of expenditure. Is it any wonder to find, as we do, that multitudes of people in some European countries are streaming away from their own homes, to seek in foreign lands some rest and relief from this intolerable system of taxation and military servitude? And those who are too poor to emigrate, which is by far the largest number, are driven in sheer desperation into sullen discontent and dangerous conspiracies against the Governments, until Society becomes honeycombed by Socialism, Communism, and Nihilism; while the Governments, instead of removing the causes of these evils, which they dread, seem to have no other resource than to add to the incumbent weight of militarism, which tends only still more to exasperate the angry and mutinous spirit of the people. Now, the question I wish to ask the House to-night is this—Can nothing be done to put some check upon that system? This, of course, is the very knot of the problem with which we have to deal. Of the magnitude of the evil there are no two opinions. All men acknowledge it freely. Even the statesmen who most actively promote it declare, with more or less sincerity, they do so with infinite regret. The more thoughtful among military men, while professing to consider it inevitable, join in the lamentation over such sinister necessity. All our leading statesmen have given their testimony in the same direction, and in powerful and eloquent terms deprecate, deplore, denounce, as preposterous, insane, and ruinous, this system of universal armaments. I have quoted already the words of Lord Salisbury. I could quote equally emphatic words from Lord Derby, from the right hon. Gentleman at the head of the Government, when he

spoke of "the demon of militarism;" I could quote numberless passages from the speeches of my right hon. Friend the Member for Birmingham (Mr. John Bright), and a forcible passage from a speech delivered by the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster). All the journals of the country are constantly denouncing this state of things; but I shall content myself with quoting one sentence from an article which appeared a little time ago in *The Times*—

"If such a state of things," says *The Times*, "is permitted to continue, it will be a disgrace to European statesmen; it is upon their shoulders that the real blame will rest."

What, then, are we to do to get rid of this hideous nightmare, which is sitting on the heart of nations and almost suffocating their life? Is what I propose impracticable?—that the different Governments should come to an understanding with a view to the mutual and simultaneous diminution of their armaments. Sir Robert Peel did not think so, when he said—

"Is not the time come when the powerful countries of Europe should reduce those military armaments which they have so sedulously raised? Is not the time come when they should be prepared to declare that there is no use in such overgrown establishments? What is the advantage of one Power greatly increasing its Army and Navy? Does it not see that if it proposes such increase for self protection and defence the other Powers will follow its example? The consequence of this state must be that no increase of relative strength will accrue to any Power; but there must be a universal consumption of the resources of every country in military preparations. . . . The interest of Europe is not that any one Power should exercise a peculiar influence; but the true interest of Europe is to come to some common accord so as to enable every country to reduce those military armaments which belong to a state of war rather than of peace. I do wish that the councils of every country (or that the public voice and mind, if the councils did not) would willingly proclaim that doctrine."

I will now quote the authority of one who will be admitted by Gentlemen opposite to be a great statesman. Lord Beaconsfield, speaking on the 21st of July, 1859, with a special reference to France, said—

"Let us terminate this disastrous system of wild expenditure by mutually agreeing, with no hypocrisy, but in a manner and under circumstances which admit of no doubt, by the reduction of armaments, that peace is really our policy, and then the right hon. Gentleman (the Chancellor of the Exchequer) may look forward

with no apprehension to his next Budget, and England may then witness the termination of the Income Tax."

Has anything of this kind been done or attempted before? I will not again refer to Vattel's testimony as to what was formerly done in Europe. I will only now allude to the Convention between Great Britain and the United States in 1817, as to the number of armed boats that they would keep on the American Lakes. Nor was that a matter of small moment. The greatest importance was attached to naval supremacy on those Lakes, so much so that the Duke of Wellington thus wrote to Sir George Murray—

"I have told the Ministers repeatedly that a naval superiority on the Lakes is a *sine quâ non* of success in war on the frontiers of Canada, even if our object be solely defensive, and I hope that when you are there they will take care to secure it for you."

And yet, in the face of this opinion of that great military authority, the two nations had the good sense to enter into this Convention, limiting the number of ships-of-war upon the American Lakes. And what was the result of that? The number of armed boats agreed upon was four or five; but the effect of this limitation was, that the spirit of jealousy and rivalry having been laid asleep, they ceased to have any armed boats at all on those Lakes. In 1851, the year of the Great Exhibition, the late Mr. Cobden brought forward a Motion in this House expressed in much the same language as I have adopted,—proposing a mutual reduction of armaments between England and France. He was answered by Lord Palmerston in a most friendly and complimentary speech, in which he said he adopted both the Motion and the language of the hon. Gentleman. Lord Palmerston said—

"I am glad the hon. Member has taken advantage of this meeting of the world to declare, in his place in Parliament, those principles of universal peace which do honour to him and the country in which they are proclaimed."—[3 *Hansard*, cxvii. 941.]

But while thoroughly approving of the object, he did not like to be fettered and bound in a negotiation. The next movement was made in the memorable proposal of the Emperor of the French, in 1863, to hold an International Congress on the subject. In the speech which he made at the opening of the

French Chambers, he shadowed forth his intentions in these words—

"Have not the prejudices and rancours which divided us lasted long enough? Shall the jealous rivalries of the Great Powers unceasingly impede the progress of civilization? Are we still to maintain mutual distrust by exaggerated armaments? Must our most precious resources be indefinitely exhausted in a barren display of our forces?"

Unhappily our Government alone, of all the Governments of Europe, peremptorily refused to entertain this proposal of the Emperor of the French, although the late Lord Derby said that—

"If there was a country in all Europe that had less interest in sending a blank refusal to have anything to do with the Congress it was England."

I hope I shall not appear too egotistical if I refer now for a moment to myself. In 1869 I visited several of the capitals of Europe, including Paris, Brussels, the Hague, Berlin, Munich, Vienna, and Florence, then the capital of the Italian Kingdom, to put myself in communication with members of different Representatives Assemblies in order to see whether we could not promote some concerted action for reduction of armaments in the respective Legislatures. I met many of the leading politicians in these capitals, and found them well disposed to entertain my proposals. Soon after, as the first fruit of my visit, Dr. Virchow proposed in the Prussian Chamber of Deputies the following Resolution:—

"That the Royal Government be requested to use all its influence with a view to reduce within the narrowest practical limits, the expenses of the military administration of the Northern Confederacy, and to seek to bring about by diplomatic negotiations, a general disarmament."

There was a very interesting and animated debate upon the Resolution, and although Dr. Virchow did not succeed, he was sustained by no fewer than 99 votes. Soon after a similar Motion was made in the Chamber of Saxony and carried by a large majority. And, but for the outbreak next year, of the unhappy Franco-German War, this would have been followed up in other Legislatures. Another movement in this direction, of which I do not know much, was made in this country. My hon. Friend the Member for Rochester (Mr. Otway) has told me that while he was in the Foreign Office as Under Secretary, about the

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year 1869, Lord Clarendon originated the movement. Communications were opened with various Crowned Heads and leading statesmen of Europe, with a view to bring about a simultaneous reduction of armaments. I do not know why the matter was broken off; but I suppose the Franco-German War put an end to that also. However, it did great credit to Lord Clarendon to have made the effort. In Austria, Dr. Fischhoff, a very distinguished writer, published some important articles in a leading journal of Vienna, which led to the matter being taken up by a considerable party. The result was that 49 Members of the Austrian Parliament, headed by MM. Fux and Heilsberg, have lately laid upon the Table of the House this Resolution—

“The House of Deputies express a hope that the united Imperial and Royal Government may take into consideration the plan of such a general, proportionate, and simultaneous reduction of armaments, as shall not alter the respective position of the States of Europe; and that the Government will not withhold such efforts as may be necessary for the attainment of this object. The Imperial and Royal Government is also besought to bring this Resolution formally before the Minister for Foreign Affairs.”

The Minister of War himself, in his Report on the Army Bill, joyfully hailed the idea of a simultaneous reduction of the Armies of the various States of Europe, and acknowledged the idea as a practical one, which he was willing to support. It may be said there are difficulties in the way; but no great service was ever accomplished for humanity that had not to encounter difficulties. The triumph of true statesmanship is to overcome difficulties. I cannot see why, if the various States of Europe pursue the process of increasing their armaments on a principal of emulation, if they can add to forces, batteries, ships, guns, fortifications, &c., against each other; why, in the name of common sense, cannot they reverse that process, and begin to undo the mischief they have been doing so long? I cannot but think that the present time is favourable for such overtures as this. We enjoy a lucid interval of peace; and there seems no present danger of a breach of that peace, except from the existence of these enormous armaments. All the people of the earth are groaning under the burdens which these armaments fasten upon them, and they would hail with gladness and grati-

tude any proposal of this kind, especially coming with the approval of a powerful Government like this. I cannot but think that foreign Governments themselves would rejoice to have such proposals made to them. There are ominous signs abroad among them. When Sovereigns are spending their time in congratulating each other on escaping from assassination, it is surely time that they took some means of removing the dangers which threaten them through driving people into such extremities as these by adding constantly to their armaments. Sir, I venture, in conclusion, to make a very earnest and respectful appeal to the right hon. Gentleman at the head of Her Majesty's Government, that he will not turn aside from this great question. The task to which I invite him is not unworthy even of his transcendent abilities. It is not unworthy of his high character, as I estimate it, as the passionate friend of justice and humanity. He has already won many laurels by great deeds of practical statesmanship; and a greater than any of them awaits his hand. No greener wreath ever surrounded any man's brow than that which will encircle his if he will only consent to grapple with this high argument, and endeavour to bring the various nations of Europe into general concert to reduce those armaments. Above all, he will earn the grateful benedictions of millions of the people who are now groaning under this baneful system of militarism. The hon. Member concluded by moving the Motion of which he had given Notice.

MR. W. H. JAMES seconded the Motion.

Motion made, and Question proposed,

“That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to instruct Her Principal Secretary of State for Foreign Affairs to enter into communication with other Powers, with a view to bring about a mutual and simultaneous reduction of European Armaments.”—(*Mr. Richard.*)

MR. BAXTER said, he was glad, whatever the issue of this Motion might be, that it had afforded to his hon. Friend (Mr. Richard) an opportunity of delivering one of his terse and telling speeches in favour of the good cause he had so much at heart to a far more sympathetic Parliamentary audience than he had ever addressed before upon the

After every succeeding war the same race of mutual folly and ruin has been renewed with increasing celerity, so that the armed forces of Europe have been growing with so much rapidity as to be almost incredible. An article in the last volume yet published of the new edition of *The Encyclopædia Britannica*, under the word "Europe," contains certain statements, founded on elaborate statistical calculations, which go to show that between the years 1859 and 1874—that is, in the course of 15 years—there have been added to the armed forces of Europe nearly 2,000,000 men. It is not easy to give with accuracy the statistics of European armaments, because they are continually changing, and always changing, I may add, in the direction of increase. Lord Derby stated not long ago his belief that there were 10,000,000 men trained to arms in all ways in Europe, and *The Times* newspaper, at the same time, or shortly afterwards, spoke of 12,000,000 men. Of course, under this estimate all the Reserves are taken into account—the Militia, the Volunteers, the Landwehr, the Landsturm, the territorial army of France, and so on. But I believe it will be no exaggeration to say that at any one moment you may find 4,000,000 men under arms in Europe. This, of course, must entail an enormous cost on the various countries. I have seen many calculations of the amount, and one, by a French gentleman of great reputation, which makes the total estimated cost as much as £500,000,000 a-year. Now, there are three items into which that sum may be divided; first, the money actually extracted from the pockets of the people by the Naval and Military Budgets, which may be put down at £160,000,000 a-year; but that is the smallest part of the matter, and a far more important item is the loss to society by the withdrawal of so many millions of able-bodied men from industrial pursuits. We must remember, of course, that, though it is not his own fault, a soldier merely consumes, and is in no way a producer. I have mentioned two items of the monstrous amount, and now have to add to them the interest of the prodigious sums laid out on instruments and munitions of war of all sorts, ships of war, fortifications, arms, ammunition, accoutrements, and so on; and which, it must be borne in mind, are absolutely

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unproductive. I ask the House to consider what might be done if only half of this great sum could be economized, if only part of the broad stream of wealth that is yearly carried down the bottomless abyss of military expenditure could be directed to irrigate and fructify the waste places of humanity; how much might be done to relieve the misery, to elevate the character of the people, to provide better dwellings for the poor, to furnish them with productive occupation, to spread the blessings of education among the ignorant and degraded, and generally to improve the material and moral condition of the great masses, whom God, I contend, has given in charge to the civilized and Christian Governments of Europe. Unhappily, also, the expenditure on these armaments is growing with appalling rapidity. In *The Times* newspaper, about the beginning of the year, there was a remarkable article, founded on a calculation by a German statistician, which showed that the annual public expenditure of Europe has risen in 14 years, between 1865 and 1879, from £398,000,000 to £585,000,000. For Russia and Germany, expenditure has more than doubled itself in that period. But, large as these amounts are, they do not satisfy the demands of the Governments, and, in addition, the future is mortgaged to supply the needs of the present. National Debts have grown, in the same period, from £2,626,000,000 to £4,324,000,000, the cause being war and warlike armaments. In the year 1865, Germany spent £10,000,000 on her Army and Navy; now she spends £21,000,000. At the former date Russia spent £22,000,000, and now spends £36,000,000; and a similar increase is noticeable in the case of the other European Powers. Remarkable on these astounding figures, *The Economist* says—

"The total increase of expenditure caused by wars and the apprehension of wars has, if we take the average interest at 4 per cent, been £131,000,000 a-year, or considerably more than the taxation of either of the two richest countries in Europe, England and France. The amount at 4 per cent represents a capital of £3,200,000,000, which, as long as that expenditure continues, and much of it is perpetual, is lost to the industrial work of Europe, and, consequently, to the progress of civilization and to the material well-being of the people."

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During last winter, I collected a series of extracts from our own and other journals describing the bitter and widespread distress that existed in various parts of Europe. We were told that in Upper Silesia out of a population of 298,000 no fewer than 150,000 “were next door to starvation.” In Hungary, destructive floods had swept away whole villages, and some of the unfortunate inhabitants were found frozen to death in the woods where they had sought shelter. From Cettigne telegrams reported that a sixth part of the population were nearly dying of famine. Miss Irby wrote that in Bosnia and Herzegovina, and in the recently-occupied portions of Novi-Bazar, people were dying of want, cold, and hunger. Sir Henry Layard wrote to Lord Salisbury that in Mossul the people were reduced by want to sell their children. In Italy we read of large meetings of working men demanding—not with clamour and menace, but with a really pathetic moderation—that, if the Government wanted them to pay the heavy taxes imposed upon them, they must first find them work by which they could earn bread for themselves and their families. Nearer at home, in Ireland, there has been distress so severe as to approach to famine. And so in most other European countries, especially in those countries where the mania of militarism is pushed to the greatest length. But, in the meanwhile, what are the Governments of this distressed, paralyzed, half-famishing Europe doing? Oh! they are in full and feverish activity, organizing Armies, Navies, and

Mr. Richard

Reserves; forging rifled cannon, manufacturing Minie rifles and chassepots by the million; building iron-clads and torpedoes; constructing new fortifications; drilling and dragooning the people in martial exercises, and stimulating with lavish rewards the inventors of infernal machines for the destruction of life and property. And thus, the resources of all nations, whether derived from the gifts of Nature or the rewards of industry, instead of being turned to purposes of utility and advantage, are squandered, to use again the words of the late Chancellor of the Exchequer, on the most unsatisfactory and unprofitable of all forms of expenditure. Is it any wonder to find, as we do, that multitudes of people in some European countries are streaming away from their own homes, to seek in foreign lands some rest and relief from this intolerable system of taxation and military servitude? And those who are too poor to emigrate, which is by far the largest number, are driven in sheer desperation into sullen discontent and dangerous conspiracies against the Governments, until Society becomes honeycombed by Socialism, Communism, and Nihilism; while the Governments, instead of removing the causes of these evils, which they dread, seem to have no other resource than to add to the incumbent weight of militarism, which tends only still more to exasperate the angry and mutinous spirit of the people. Now, the question I wish to ask the House to-night is this—Can nothing be done to put some check upon that system? This, of course, is the very knot of the problem with which we have to deal. Of the magnitude of the evil there are no two opinions. All men acknowledge it freely. Even the statesmen who most actively promote it declare, with more or less sincerity, they do so with infinite regret. The more thoughtful among military men, while professing to consider it inevitable, join in the lamentation over such sinister necessity. All our leading statesmen have given their testimony in the same direction, and in powerful and eloquent terms deprecate, deplore, denounce, as preposterous, insane, and ruinous, this system of universal armaments. I have quoted already the words of Lord Salisbury. I could quote equally emphatic words from Lord Derby, from the right hon. Gentleman at the head of the Government, when he

spoke of "the demon of militarism;" I could quote numberless passages from the speeches of my right hon. Friend the Member for Birmingham (Mr. John Bright), and a forcible passage from a speech delivered by the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster). All the journals of the country are constantly denouncing this state of things; but I shall content myself with quoting one sentence from an article which appeared a little time ago in *The Times*—

"If such a state of things," says *The Times*, "is permitted to continue, it will be a disgrace to European statesmen; it is upon their shoulders that the real blame will rest."

What, then, are we to do to get rid of this hideous nightmare, which is sitting on the heart of nations and almost suffocating their life? Is what I propose impracticable?—that the different Governments should come to an understanding with a view to the mutual and simultaneous diminution of their armaments. Sir Robert Peel did not think so, when he said—

"Is not the time come when the powerful countries of Europe should reduce those military armaments which they have so sedulously raised? Is not the time come when they should be prepared to declare that there is no use in such overgrown establishments? What is the advantage of one Power greatly increasing its Army and Navy? Does it not see that if it proposes such increase for self protection and defence the other Powers will follow its example? The consequence of this state must be that no increase of relative strength will accrue to any Power; but there must be a universal consumption of the resources of every country in military preparations. . . . The interest of Europe is not that any one Power should exercise a peculiar influence; but the true interest of Europe is to come to some common accord so as to enable every country to reduce those military armaments which belong to a state of war rather than of peace. I do wish that the councils of every country (or that the public voice and mind, if the councils did not) would willingly proclaim that doctrine."

I will now quote the authority of one who will be admitted by Gentlemen opposite to be a great statesman. Lord Beaconsfield, speaking on the 21st of July, 1859, with a special reference to France, said—

"Let us terminate this disastrous system of wild expenditure by mutually agreeing, with no hypocrisy, but in a manner and under circumstances which admit of no doubt, by the reduction of armaments, that peace is really our policy, and then the right hon. Gentleman (the Chancellor of the Exchequer) may look forward

her accumulated deficit amounted to £33,000,000. In France the same thing was going on even before the tremendous catastrophe of the war with Germany. From 1848 to 1869 her accumulated deficits amounted to £100,000,000. It is difficult to know what is the financial condition of Russia, as no authentic statements are published. But we may be very certain that her finances are in, at least, quite as unsatisfactory a condition as that of any European nation, and we know that her Debt has increased from £208,000,000 in 1865 to £600,000,000 in 1879. And even Germany, in spite of the enormous indemnity she received from France, and with no Debt to speak of, has found her expenditure constantly on the increase, while her revenue has been as steadily diminishing. In 1873 her expenditure, as stated in the Imperial Budget, was 340,000,000 of marks, and in 1878 it was 540,000,000 of marks; or, an increase in the course of five years, of 200,000,000 of marks, or £16,000,000. In consequence, Prince Bismarck has been compelled to impose heavy protective duties, which have very seriously interfered with and damaged the commerce of his own and other countries. Lord Salisbury, speaking at the Manchester Chamber of Commerce, called attention to the heavy protective duties imposed on British goods by some of the Continental Governments, and said—

“The real cause of this increase of protective duties is the establishment of those gigantic military forces which are increasing every year in every one of the larger countries of this hemisphere, which constitute a permanent drain on the forces of industry, a permanent danger to the interests of commerce, and which impose upon the Governments which feel themselves bound—and if one Government does it all Governments have to do it—in order to maintain these forces, the necessity of finding money in some way that shall not too heavily gall the interests and susceptibilities of their people. Indirect taxation, it is well known, is more readily paid than direct taxation, because its amount is not so easily recognized; and it is the necessity of finding the sustenance of those vast armaments that forces Governments to have recourse to indirect taxation, and they naturally avail themselves of the political support which is to be obtained from those trades that wish for protection in order to carry their policy into effect.”

Look, again, at Italy, that young nationality to which the sympathy of all is drawn so strongly. That country is staggering under the weight of a

crushing taxation in order to maintain vast and useless armaments. The annual deficits of Italy since 1860 have been so large, varying from £1,743,000 to £24,680,000, that the public debt, which in 1860 stood at £97,480,000, had increased to £400,000,000 in 1876. Well, what is the effect upon the condition of the people? The effect is, that in all the countries of Europe there are multitudes of people—thousands, tens of thousands, and hundreds of thousands—sunk in poverty, misery, and ignorance. In the language of one of our own poets—

“The racked inhabitants repine, complain,
Taxed till the brow of labour sweats in vain;
War lays a burden on the reeling State,
And peace does nothing to relieve the weight.
Successive loads successive toils impose,
And sighing millions prophesy the close.”

During last winter, I collected a series of extracts from our own and other journals describing the bitter and widespread distress that existed in various parts of Europe. We were told that in Upper Silesia out of a population of 298,000 no fewer than 150,000 “were next door to starvation.” In Hungary, destructive floods had swept away whole villages, and some of the unfortunate inhabitants were found frozen to death in the woods where they had sought shelter. From Cettigne telegrams reported that a sixth part of the population were nearly dying of famine. Miss Irby wrote that in Bosnia and Herzegovina, and in the recently-occupied portions of Novi-Bazar, people were dying of want, cold, and hunger. Sir Henry Layard wrote to Lord Salisbury that in Mossul the people were reduced by want to sell their children. In Italy we read of large meetings of working men demanding—not with clamour and menace, but with a really pathetic moderation—that, if the Government wanted them to pay the heavy taxes imposed upon them, they must first find them work by which they could earn bread for themselves and their families. Nearer at home, in Ireland, there has been distress so severe as to approach to famine. And so in most other European countries, especially in those countries where the mania of militarism is pushed to the greatest length. But, in the meanwhile, what are the Governments of this distressed, paralyzed, half-famishing Europe doing? Oh! they are in full and feverish activity, organizing Armies, Navies, and

year 1869, Lord Clarendon originated the movement. Communications were opened with various Crowned Heads and leading statesmen of Europe, with a view to bring about a simultaneous reduction of armaments. I do not know why the matter was broken off; but I suppose the Franco-German War put an end to that also. However, it did great credit to Lord Clarendon to have made the effort. In Austria, Dr. Fischhoff, a very distinguished writer, published some important articles in a leading journal of Vienna, which led to the matter being taken up by a considerable party. The result was that 49 Members of the Austrian Parliament, headed by MM. Fux and Heilsberg, have lately laid upon the Table of the House this Resolution—

“The House of Deputies express a hope that the united Imperial and Royal Government may take into consideration the plan of such a general, proportionate, and simultaneous reduction of armaments, as shall not alter the respective position of the States of Europe; and that the Government will not withhold such efforts as may be necessary for the attainment of this object. The Imperial and Royal Government is also besought to bring this Resolution formally before the Minister for Foreign Affairs.”

The Minister of War himself, in his Report on the Army Bill, joyfully hailed the idea of a simultaneous reduction of the Armies of the various States of Europe, and acknowledged the idea as a practical one, which he was willing to support. It may be said there are difficulties in the way; but no great service was ever accomplished for humanity that had not to encounter difficulties. The triumph of true statesmanship is to overcome difficulties. I cannot see why, if the various States of Europe pursue the process of increasing their armaments on a principal of emulation, if they can add to forces, batteries, ships, guns, fortifications, &c., against each other; why, in the name of common sense, cannot they reverse that process, and begin to undo the mischief they have been doing so long? I cannot but think that the present time is favourable for such overtures as this. We enjoy a lucid interval of peace; and there seems no present danger of a breach of that peace, except from the existence of these enormous armaments. All the people of the earth are groaning under the burdens which these armaments fasten upon them, and they would hail with gladness and grati-

tude any proposal of this kind, especially coming with the approval of a powerful Government like this. I cannot but think that foreign Governments themselves would rejoice to have such proposals made to them. There are ominous signs abroad among them. When Sovereigns are spending their time in congratulating each other on escaping from assassination, it is surely time that they took some means of removing the dangers which threaten them through driving people into such extremities as these by adding constantly to their armaments. Sir, I venture, in conclusion, to make a very earnest and respectful appeal to the right hon. Gentleman at the head of Her Majesty's Government, that he will not turn aside from this great question. The task to which I invite him is not unworthy even of his transcendent abilities. It is not unworthy of his high character, as I estimate it, as the passionate friend of justice and humanity. He has already won many laurels by great deeds of practical statesmanship; and a greater than any of them awaits his hand. No greener wreath ever surrounded any man's brow than that which will encircle his if he will only consent to grapple with this high argument, and endeavour to bring the various nations of Europe into general concert to reduce those armaments. Above all, he will earn the grateful benedictions of millions of the people who are now groaning under this baneful system of militarism. The hon. Member concluded by moving the Motion of which he had given Notice.

MR. W. H. JAMES seconded the Motion.

Motion made, and Question proposed,

“That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to instruct Her Principal Secretary of State for Foreign Affairs to enter into communication with other Powers, with a view to bring about a mutual and simultaneous reduction of European Armaments.”—(*Mr. Richard.*)

MR. BAXTER said, he was glad, whatever the issue of this Motion might be, that it had afforded to his hon. Friend (Mr. Richard) an opportunity of delivering one of his terse and telling speeches in favour of the good cause he had so much at heart to a far more sympathetic Parliamentary audience than he had ever addressed before upon the

policy would be in accord with the spirit of the Motion now before the House.

COLONEL BURNABY would take this opportunity of reminding the House of the words uttered by Lord John Russell at the time of the Duke of Wellington's death, that England had buried a man whose greatest horror was of war. He believed that that feeling was shared by every military man, and by none more than himself. He thought they might congratulate themselves on the fact that this country had never set an example that would encourage other nations to keep up great armaments. He quite agreed that European armaments were at present too large. There were 9,500,000 men under arms at this moment, the odd 500,000 being our own countrymen. That number was as small as it possibly could be consistently with the safety of our shores from invasion. The number of our troops actually under Colours was 135,000. Foreigners often said that our Army made up in efficiency for its want of numbers. One matter for congratulation was the great improvement in our Volunteer Force, which now numbered 200,000 efficient men—24,000 of them trained to the use of the cannon, and this auxiliary would render it unnecessary for England ever to resort to foreign mercenaries, as she did at the time of the Crimean War. He feared it would be found very difficult for any Minister to bring about the disarmament of this country, much as he might wish to do so. The great object which they should keep in view was the uprooting of national rivalries and enmities. Until that object was successfully accomplished he feared foreign countries would turn a deaf ear to any advice we might give them. In conclusion, he urged the House to believe that he and most of his comrades would be very glad to see a reduction in the armaments of Europe, for he had the greatest horror of war in common with the majority of military men.

MR. GLADSTONE: I have no desire to obstruct the declaration of opinion by an hon. Gentleman; but the appeal made by me by the hon. Gentleman who made the Motion, and by my right hon. Friend behind me, has been sufficiently pointed to make me think I shall be consulting the convenience of the House if I proceed at once to declare the sentiments with which I regard the proposition it-

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self, and the general opinions upon which it is based; but I must draw a distinction between the basis of this Motion and the opinions and convictions that have been expressed, which I place on one side, and the adoption of a Resolution of this kind by the House at the present moment, the effect of which is not only to indicate a particular course as the course desirable to be pursued; but to indicate that course in such a manner as to commit the House to the proposition that the moment has arrived for taking the step described in the Motion. Now, Sir, upon that subject I will presently state my reasons for being compelled to act and speak with some reserve. With regard to the speech of my hon. Friend, and that of my right hon. Friend behind me, and in the same manner and in the same sense of that speech we have heard from the opposite side of the House, I need hardly say that they command my fullest concurrence. My hon. Friend the Mover of the Resolution before the House has quoted from speeches made by me a strong expression of opinion, not, I am sure, with a desire to catch me tripping by a reference to those speeches, but because he thought that he was expressing the opinions which were really in my mind; and it is, I will at once say, impossible to exaggerate the mischief and the danger attending many of the operations to which he has called our attention. I must, however, point out to my hon. Friend that great operations have been accomplished in Europe in the course of the last 30 years, and that, although those operations have been accomplished by the sad and painful and deplorable, but sometimes necessary, means of war, they have been favourable in the result, in various important instances, to the permanent happiness of mankind. I will now speak of the Crimean War—for in that I had, perhaps, a particular concern—except to say that I do not agree with my hon. Friend in the censure which he passed upon it. But when I consider such great constructive operations as the creation of a really national and united Italy in lieu of the number of sectional fragments of people among whom violence and corruption were resorted to in large portions of their country, if not entirely, to keep down the spirit of freedom and the sentiment of nationality, and to extinguish the glorious traditions of the race, I find, I

am sorry to say, that it is not by peaceable means that that great change has been effected. In the same way the reconstruction of Germany, however attained, has been a great advance in the political system of Europe. Nor can I refrain from saying that when I recollect that within the last two years from 10,000,000 to 15,000,000 people have obtained a new position, and made a great advance on the road from the most degrading servitude and violence to freedom, and through the means of war, while agreeing with my hon. Friend in everything he says as to the deplorable consequences of war itself, yet I will not travel with him in holding the opinion that those wars—wars of liberty—however we may lament that an end desirable to be attained was not attained by other means, are to be regarded as unmixed evils. As to dynastic wars for the purposes of aggrandisement, needless wars, wanton wars—and I am sorry to say we have not to go far for our experience of them—no words which my hon. Friend can devise, or which the wit of man can invent, are strong enough to describe the folly and the guilt of wars of that description. But I think the distinction is a real one which may be drawn between a war made for lawful purposes, and carried through with benefit to mankind, and wars which have no such justification, and which are to be regarded as among the most terrible plagues that can afflict mankind. Even though we may refrain from censuring the objects of a war, yet I go all lengths with my hon. Friend in expressing a desire that we should endeavour to devise and encourage other more rational, less costly, and less demoralizing means of securing these objects. He has quoted figures which must have startled the House as to the cost of wars. The cost of wars belonging to the present and the past, and the preparations for the future, he places at £500,000,000 a-year in Europe. I wish I could reduce greatly that estimate, but I cannot. I believe my hon. Friend has not greatly overstated the cost of past wars and of the preparations for future wars. I have not had an opportunity of minutely examining the figures; but he was, no doubt, very near the mark when he spoke of £150,000,000 of actual Military Estimates, and I think I am justifying in saying that the conse-

quence of the withdrawal from useful industry to military purposes of a vast number of hands doubles the cost; because not only are men occupied in an employment which does not produce, but they are taken away from the business of production in which they might otherwise be occupied. I am not, of course, saying that this is an argument against adequate, rational, and becoming measures of defence for the security of a country which is bound to have regard to its own safety; nor am I contending that the pecuniary aspect of the question is the whole, or even the most important part of the various branches of the subject. But if my hon. Friend, on account of the withdrawal of labour from peaceful industry to warlike purposes, doubles the £150,000,000 I cannot find fault with him. We have, first, to consider the effect of the War Estimates; next, the withdrawal of labour from other pursuits; and, thirdly, the consequences of former wars of which we are now bearing the charge. In this matter it is wonderful to see how much more easy it is to judge our ancestors than ourselves. It is exactly the case of judging one's neighbour as compared with oneself. It is very easy for us to find out that other nations are extravagant in the military and naval establishments which they maintain; but the hon. and gallant Colonel opposite (Colonel Burnaby) has told us that his friends in foreign armies have pressed the point upon him that we have the advantage of an insular position, and that we ought, in consequence, to be able to afford a better example to the world. I shall not enter into any argument on that point at present; but I may observe that, as a general rule, the wars which have led to the creation of the National Debts of the world have been chiefly dynastic or religious or re-actionary wars, and almost all of them wrong and unjust. If those wars have left behind them National Debts now passing £4,000,000,000—I was not aware that the figures were quite so high—there has to be paid in the shape of interest an amount little short of £160,000,000, to be added to the £150,000,000 which my hon. Friend has mentioned in his computation. I am afraid, therefore, that £450,000,000 or £500,000,000 is somewhere about the actual charge to Europe for past wars and its present

preparations for the same purposes. That is the pecuniary view of the matter; but there is a point at which this pecuniary question becomes connected with another question. My hon. Friend was quite right when he said that, in many countries, what may be called war interests are created by the extraordinary expenditure which is indulged in. The case of the Cape of Good Hope has been quoted, and I do not think a fairer or better instance could be cited. Nothing can be so ruinous to a country, nothing so mischievous as to its progress and the formation of a just civilization, as to be in the position which we have too often witnessed in the case of the inhabitants of our own Colonies in later times, of having the privilege of provoking wars for which they were not called upon to pay. When we say to a community—"We will pay the expenses of your wars," they may imagine that we are conferring upon them a great favour; but I believe their worst enemies could not devise a scheme more lowering to the character of free citizens in a free State. Going back to the debates of 30 or 40 years, we find Mr. Cobden in a very marked degree, and Sir Robert Peel in a degree less marked, but, no doubt, not less sincere, even then deploring the enormous scale on which the military establishments of Europe were maintained, and the tendency of those military establishments not to preserve peace, but to weaken the securities for its continuance. Since that period—since Sir Robert Peel thought it his duty in his place in Parliament to call attention to the dangers which menaced Europe through the maintenance of needless establishments—these establishments have been in some cases doubled, or trebled, and the cost of them is advancing at, perhaps, even a greater rate. Amid all our boasts of civilization—amid all our ideas of incessant progress—we have this sad, almost plague spot, as it may be called, upon us; and, as my hon. Friend says, we delude ourselves with the notion and cling to the idle and empty formula—for such it has become—that to be prepared for war is the best way to avert it. My hon. Friend has said, and said with truth, that at one time an endeavour was made by Lord Clarendon, in conjunction with the Government of which I had

the honour to be the head in 1869, to set in motion if we could some small measure, at least as a beginning, of disarmament. It was not an attempt to combine the armed nations of Europe for that purpose. Lord Clarendon's belief, in which I still share, was that if you could gather the Plenipotentiaries of Europe round a table to hear a discussion on disarmament, their meetings would end in no positive and substantial result, and that the only way in which a measure of disarmament can be initiated is in detail. It is to take advantage of some occasion when particular countries are in face of each other—burdening their own people, exhausting their own resources, and endangering peace—and to endeavour to prevail on them relatively to these particular circumstances to pursue a more rational course. Lord Clarendon was apprehensive, in 1869, of those difficulties with respect to which his prognostications were but too speedily and surely verified. He thought the relations between France and Germany were menacing to Europe; and he endeavoured to prevail on those two countries to begin the good work of some small measure of disarmament. It is not for me to refer to this matter in the character of a judge between those two great countries. What happened was simply this: The French Government adopted the first part of Lord Clarendon's proposal to this extent—that they offered to make a reduction in their Army of 10,000 men. It was not a large reduction; but it was a reduction. On the other hand, the Government of Germany stated that the force they had under arms was smaller in proportion to their population than the force of France, and that, consequently, they could not undertake to make any reduction whatever. That is the history of the effort made by Lord Clarendon; and I would ask my hon. Friend to note that the effort made in 1869 was not forced upon the Government by any Parliamentary movement. It was an effort made by them spontaneously, and from a desire, if possible, to make some progress, however small, in the beginning of an undertaking which would, if it acquired any considerable development, be of immeasurable benefit to Europe. It is on that ground I ask my hon. Friend not to compel me to vote upon his Motion. What I would say to my hon. Friend is

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this: If he has reason to suspect a want of inclination on the part of the Government to move in the direction of promoting peace and pacific means in the reduction of armaments, then he would be perfectly justified, whatever our general political relations may be, in striving to force the Motion upon us. But if he really believes that we are associated with him in the desire he entertains, then I would ask my hon. Friend to allow us some discretion in regard to the time and the circumstances of our action. With regard to addressing other Powers upon the question, that is a very serious step. When Lord Clarendon made overtures to France and Germany, there was nothing in our policy in any portion of the globe that at all weakened our position or made it otherwise than desirable to be the authors of such overtures. This was an essential point. It was necessary that we should stand *recti in curia*, and that we should not be met with the remark—"What are you doing yourselves? You preach the gospel of peace; but are your hands free from the stain of blood? Have you purged yourselves effectually from that stain? Have you retired from the positions into which you have been driven?" I need not enter into particulars; it is not necessary, for everyone would understand the allusions I might make. I hope my hon. Friend will agree with me that we must have some regard to the situation in which we are able to place ourselves before we undertake the lofty and, in certain circumstances, the pretentious office of instructing other nations. There are, in my opinion, three distinct modes by which, apart from application to other Powers, the Government of this country may walk in the direction indicated by my hon. Friend. The first and the most essential is that they shall pursue a foreign policy of peace and justice. Unless they do that, the words of admonition they may use to others will be a bitter mockery in the estimate of others. The second condition is that they shall study to the best of their ability whether they can honestly moderate their defensive establishments. That is a point on which Her Majesty's Government are not in a position at this very early period of their existence to make any announcement or to give any definite promise. Of course, when I speak of moderate establishments I esti-

mate moderation by the just proportion between the real demands of the country for its honour and its safety and the charge and the extent of establishments which are required by Parliament and by the people in order to maintain these essential things. There is a third way, however, in which I think it is in the power of the Government to qualify itself for becoming a missionary for those beneficial purposes which are contemplated by my hon. Friend; that is, by showing their disposition, when they are themselves engaged in controversy, to adopt those amicable and pacific means of escape from their disputes rather than to resort to war. Need I assure my hon. Friend and my right hon. Friend behind me (Mr. Baxter) that the dispositions which led us to become parties to the arbitration on the *Alabama* case are still with us the same as ever; that we are not discouraged; that we are not daunted in the exercise of these feelings by the fact that we were amerced, and severely amerced, by the sentence of the International Tribunal; and that, although we may think the sentence was harsh in its extent, and unjust in its basis, we regard the fine imposed on this country as dust in the balance compared with the moral value of the example set when these two great nations of England and America—which are among the most fiery and the most jealous in the world with regard to anything that touches national honour—went in peace and concord before a judicial tribunal to dispose of these painful differences, rather than to resort to the arbitrament of the sword. These are the means by which I think it is in the power of the Government at all events to prepare the way for holding the language of peace, and even for recommending on the proper occasion disarmament among the assembled Powers of Europe. Some time must, in my judgment, elapse before these conditions can have been sufficiently realized in our case to qualify us for the duties which my hon. Friend benevolently and philanthropically wishes us to undertake. My hon. Friend has been referring, as I have been referring myself, to the proceedings of Mr. Cobden on this subject. In 1849 Mr. Cobden made a Motion very closely corresponding in its terms with that of my hon. Friend. On that occasion, when Mr. Cobden had in view

something of the nature of general disarmament, Lord Palmerston made a speech expressing his great admiration of the sentiments of Mr. Cobden, and expressing the conviction, which I entirely share, that a discussion of this kind is not a thing to be viewed with jealousy or grudge, but to be regarded as an opportunity—a beneficial opportunity—of declaring one's opinion on matters of the highest importance. Lord Palmerston, on that occasion, moved the Previous Question, in order that he might not appear to negative Mr. Cobden's Motion. Mr. Cobden, however, thought fit on that occasion to go to a division. In the year 1851 Mr. Cobden renewed his Motion in substance, but gave it a more specific application, and made it refer only to the relations between England and France. He moved an Address to Her Majesty, praying her—

“To enter into communication with the Government of France, and endeavour to prevent in future that rivalry of warlike preparation in time of Peace, which has hitherto been the policy of the two Governments, and to promote, if possible, a mutual reduction of armaments.”

I am interested in finding a difference between Mr. Cobden's two Motions, because I think he perceived that an attempt to act on all Powers simultaneously was not as likely to succeed as an invitation to one other Power to enter into communication with a view to disarmament. On the occasion in question Lord Palmerston said—

“I am glad that the hon. Member for the West Riding has taken advantage of this meeting of the world (the Exhibition of 1851) to declare in his place in Parliament those principles of universal peace which do honour to him and the country in which they are proclaimed; and, if I object to being sent bound and fettered into a negotiation through which I confess I cannot see my practical way, it is not because I object to the end the hon. Member desires and proposes to accomplish, but because I think that end is more likely to be accelerated by the language of the hon. Member, and the sentiments he and the House have expressed, than it would be by the particular and specific Motion he has this evening brought before us.”—[3 *Hansard*, cxvii. 941.]

He went on to say—

“Her Majesty's Government feel as ardently on the subject as any man in this country or in the world can do; and as far as their influence, and power, and persuasion may extend, they will, so long as it may be their lot to have anything to do with the affairs of the country, use every effort in their power to avert the miseries and calamities of war.”—[*Ibid.*]

Mr. Gladstone

Mr. Cobden expressed his unfeigned satisfaction with the tone of the debate and with the declaration of the noble Lord the Foreign Secretary, and withdrew his Motion without pressing it to a division. I venture to express my hope that that course may be taken by my hon. Friend on the present occasion. It is not desirable, under present circumstances, that the House should place the Government in a position in which they would be compelled either to seem to slight the great authority of the House, or to be driven at a time which we do not believe yet to be ripe or opportune to make overtures to other Powers of the world under circumstances and at a moment from which we could not anticipate beneficial results.

MR. LYULPH STANLEY said, that while he was prepared to support the Motion of the hon. Member for Merthyr, he was also ready to acquiesce in its withdrawal, or in any course his hon. Friend might think it wise to take after the speech of the Prime Minister. He quite appreciated the force of the right hon. Gentleman's (Mr. Gladstone's) remarks, and understood that in many cases it was more easy to teach by precept than by example. He could not help thinking that in the present complicated state of Europe the great armaments which they saw were as much a result as a cause. He could not help feeling that the unhappy state of the political organization of many countries, the unhappy union of Provinces that ought more properly to be parted, and the separation of States and sections of States from their natural connection, led to that antagonism between nation and nation which had its natural outcome in those increased armaments which had been referred to. He did not wish to particularize by illustrations, because where responsible Ministers shrank from pointing their remarks by apposite illustrations which were in the minds of all, it was better for others to follow the example of eloquent silence. In the Parliament of England and in the House of Commons they had a right, as it was their duty, first of all to look at home, to do what was practical, and to ask themselves whether, in proclaiming their love for peace and disinclination to armaments and military preparations, it was not possible to do something to give effect to their views. The course of this

country ought to be one of peaceful progress, not of military aggression; and the expression which that sentiment had found in the House of Commons in the course of that debate would strengthen the hands of Her Majesty's Government if they should choose to enter on a course of peace and military retrenchment. It was perhaps by example that they could best promote the course the hon. Member for Merthyr had at heart. He feared that if they were to go at that moment into the councils of Europe, and invite the nations to simultaneous disarmament, they would say—"Would you guarantee us against the consequences of the jealousies and hatreds resulting from past wars? Will you secure to us that the state of Europe, so eminently unstable, shall become stable?" When they thought of these things they must see that it was difficult, say even for such a country as Spain, to consent to something which involved the relinquishment of an object of national longing on their part. He thought, considering all these things, it was more possible for them to do something by acting on those organizations where they were complete masters of the situation within the region of their own authority and political responsibility, and then, when they had washed their hands of that blood of aggression of which many of them felt that they were guiltily enjoying the gains, they might go, fortified by example, and speak a word of counsel that might be advantageous in Europe.

MR. COURTNEY said, he thought they might all be satisfied at hearing that the spirit of the Government was in favour of the Motion of his hon. Friend. In the belief that that opinion deserved to be recorded he would propose an Amendment to that effect; but before doing so he wished to observe that he would not be the first to denounce the employment of force for a just object. Almost the first speech he had the honour of making in that House was a speech distinctly in favour of the employment of force for the procuring of what he believed to be just ends. He would not, therefore, engage in any abstract condemnation of war when justified by such an object. The Prime Minister referred to the case of Italy. No one could deny that the unification of Italy, which had given so much satisfaction, could not have been produced so soon, if at all in

this generation, if force had not been employed. The Austrian Government did not withdraw its forces from Lombardy and Venice from any conviction of the injustice of its domination over the Italian people. Nor was it simply from a feeling of injustice on the part of the Bourbon dynasty that the Two Sicilies became lost to them. He would have been glad if in the course of recent years a desire had been shown by the British Government and Parliament for the promotion of the great work of liberation further in the East of Europe. All that brought him to the conclusion that if there was a desire to promote peace and the disarmament of Europe their efforts must be primarily devoted to the establishment of just international relations in Europe. It was in the establishment of justice between nations that they should have the best security for the establishment of peace between nations. As long as they had injustice between nations they could not possibly prevent a spirit of international antipathy from being maintained, nor avert the danger of war. The Government over which the Prime Minister formerly presided did something towards establishing partial disarmament between France and Germany. When the Franco-German War unhappily seemed to be certain they entered into a Treaty with the two principals in that war, by which they bound themselves by certain definite obligations to incur the risk of hostilities in order to maintain the just rights of Belgium. No act of the Government could be regarded with greater satisfaction. But the Prime Minister would forgive him when he said that he wished the conclusion of the Franco-German War had been accompanied by some similar act. They all knew perfectly well that there was no danger to the peace of Europe so formidable as the terms of the Treaty between France and Germany which closed that war. The French were not satisfied; the Germans were apprehensive. Therefore, the terms of that Treaty were a standing menace to Europe. He was speaking in ignorance of the efforts of Her Majesty's Government at the time; but he would have been glad if there had been some public record that they had approached the two belligerents and proffered to enter into some engagement which, upon a just termination of the war, should have

bound the Powers of Europe to maintain that just termination. That would have been a real step towards peace. But, as he said before, he rose to move an Amendment to which he hoped Her Majesty's Government would assent, an Amendment which would enunciate the sentiments which had been heard with great satisfaction from the Prime Minister, and which might satisfy the ambition of his hon. Friend (Mr. Richard) by putting on record the policy of England on the matter. He begged to move to omit all the words after the word "that" in order to insert—

"In the opinion of this House, it is the duty of Her Majesty's Government on all occasions, when circumstances admit of it, to recommend to Foreign Governments the reduction of European Armaments."

MR. W. FOWLER seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is the duty of Her Majesty's Government on all occasions, when circumstances admit of it, to recommend to Foreign Governments a reduction of European Armaments,"—(*Mr. Courtney*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE: I should rather acquiesce than concur in the adoption of this Amendment, but simply upon the ground that I am not friendly, as a general rule, to the assertion by the House of Commons of propositions not susceptible of immediate application to practice. I doubt the policy of it. At the same time, I should not wish, in the present state of things, to go so far as to resist the passing of the Amendment, embodying, as it does, what is undoubtedly true, and what is likewise in itself of the highest importance. I therefore will not take any steps, even by moving the Previous Question, to prevent the adoption of the Amendment, if there be a general wish in the House to adopt it; but, on the ground I have stated, I confess I should not have recommended that course.

MR. RICHARD expressed the extreme satisfaction with which he had listened to what he must call the magnificent speech of the Prime Minister, which was one of the most eloquent expositions

Mr. Courtney

of the policy of peace he had ever heard, and its effect, he was sure, would be most beneficial. He would withdraw his Motion; but it would be very gratifying if the Prime Minister would allow the Amendment of the hon. Member for Liskeard to be passed without a division.

Question put, and *negatived*.

Words *added*.

Main Question, as amended, put.

Resolved, That, in the opinion of this House, it is the duty of Her Majesty's Government on all occasions, when circumstances admit of it, to recommend to Foreign Governments a reduction of European Armaments.

VACCINATION ACTS AMENDMENT BILL.

On Motion of Mr. DODSON, Bill to amend the Vaccination Acts, *ordered* to be brought in by Mr. DODSON and Mr. HIBBERT.

SOUTH WESTERN (OF LONDON) DISTRICT POST OFFICE BILL.

On Motion of Lord FREDERICK CAVENDISH, Bill to enable Her Majesty's Postmaster General to enlarge and acquire a Site for the South Western (of London) District Post Office, *ordered* to be brought in by Lord FREDERICK CAVENDISH and Mr. FAWCETT.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 16th June, 1880.

MINUTES.]—SELECT COMMITTEE—*Report*—Parliamentary Oath (Mr. Bradlaugh) [No. 226].

PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading*—Merchant Shipping Act (1854) Amendment* [224].

Ordered—First Reading—Jurors' Remuneration* [223]; County Bridges* [226]; Statutes (Definition of Time)* [225].

First Reading—Vaccination Acts Amendment* [222]; South Western (of London) District Post Office* [227].

Second Reading—Town Councils (Aldermen) [133]; Licensing Laws Amendment [183], debate adjourned.

Select Committee—Births and Deaths Registration (Ireland) * [166], nominated.

Considered as amended—Judicial Factors (Scotland) * [162].

Third Reading—Local Government (Gas) Provisional Order * [123], and passed.

Withdrawn—Agricultural Holdings (Scotland) (Notice of Removal) [141]; Gun Licence Act (1870) Amendment [193]; Employers and Workmen Act (1875) (Extension to Seamen) [204].

Patrick Dooley, Thomas Allen, Edward Best, Alfred Woodford, William Sheen, William Charles Middleton,	} Of being bribed. } Of corrupt treating.
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3. That we have no reason to believe that corrupt practices extensively prevailed at the Election to which the said Petition relates.

4. We further report that the said Petition contained a claim to the seat and also of a scrutiny. This portion of the Petition was subsequently abandoned.

The Respondent set up a recriminatory case which was also abandoned.

We have no grounds for making any further Special Report.

Dated this 15th day of June, 1880.

GEORGE DENMAN.
HENRY LOPES.

WICKLOW ELECTION.

High Court of Justice in Ireland.
Common Pleas Division.

Parliamentary Elections Act, 1868.

In the matter of the Election Petition for the County of Wicklow.

William Wentworth FitzWilliam Dick, Petitioner; James Carlisle McCoan and Howard Brooke, Respondents.

The said Common Pleas Division, in pursuance of the provisions of the 36th section of the said Act, do hereby report to the Right Honourable the Speaker of the House of Commons,—

That the Petition in this matter, a copy of which is hereunto annexed, was duly presented to this Division on the 3rd day of May 1880, and that the Petitioner, on the 14th day of June inst., applied to the Court, by special application, pursuant to the said statute, for leave to withdraw said Petition.

And it appearing to the Court that the notice of the said application required by the said Act had been given in the said County, and no person having applied to be substituted as Petitioner instead of the said William Wentworth FitzWilliam Dick, the Court, on the said 14th day of June inst., made an order permitting the said Petition to be withdrawn, and the same has been withdrawn accordingly.

And the Court do hereby report that, in their opinion, the withdrawal of the said Petition was not the result of any corrupt arrangement, or in consideration of the withdrawal of any other Petition.

Signed on behalf of the Court, this 15th day of June 1880.

M. MORRIS,
C. J. C. Pleas.

And the said Certificate and Reports were ordered to be entered in the Journals of this House.

CONTROVERTED ELECTIONS.

MR. SPEAKER informed the House, that he had received from Mr. Justice Denman and Mr. Justice Lopes, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the Election for the Borough of Gravesend; and from Lord Chief Justice Morris, one of the Judges selected in pursuance of the same Act, a Report relating to the Election for the County of Wicklow.

GRAVESEND ELECTION.

To the Rt. Honble.

The Speaker of the House of Commons.

We, the Honorable George Denman, and Sir Henry Lopes, knight, two of the Judges of the High Court of Justice, and Judges for the time being assigned for the trial of Election Petitions in England, do hereby, in pursuance of The Parliamentary Elections Act, 1868, certify that upon the 31st day of May and several days following, we duly held a Court in the Borough of Gravesend for the trial of, and did try, the Election Petition for the said Borough between Sir Francis Wyatt Truscott, knight, Petitioner; and Thomas Bevan, Respondent; and, in further pursuance of the said Act, We determined that the said Thomas Bevan was not duly returned nor elected, and that the said Election was void.

And we now certify such our determination to you according to the Statute.

And whereas charges were made of corrupt practices having been committed at the said Election, We, in further pursuance of the said Act, report as follows:—

1. That no corrupt practice was proved to have been committed by or with the knowledge or consent of any Candidate at such Election.

2. That the following persons were proved at the said trial to have been guilty of corrupt practices within the meaning of The Corrupt Practices Act, 1854. And that the nature of the corrupt practices proved, and the names of the persons against whom they were proved, are as follows:—

Robert Williams, Henry Howard, William Bedman, James Weeks,	} Of bribing.
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ORDERS OF THE DAY.

TOWN COUNCILS (ALDERMEN) BILL.

(Mr. James, Lord Ramsay, Mr. Dillwyn.)

[BILL 133.] SECOND READING.

Order for Second Reading read.

MR. W. H. JAMES, in rising to move that the Bill be now read a second time, remarked that the office of Alderman was very ancient; but there was an impression that it had degenerated into a somewhat useless office. It was originally a combination of duties partly local and partly magisterial; and it was, as they all knew, derived from Anglo-Saxon times. It was aspired to as being a stepping-stone to the highest office of local government—that of Mayor—of the various municipalities throughout the United Kingdom. The measure introduced by Lord John Russell in 1835 for the reform of the Municipal Corporations proposed the abolition of the aldermanic office; but Lord Lyndhurst carried an Amendment in the House of Peers, to the effect that one-fourth of each Town Council should consist of Aldermen to be elected for life. This Amendment was opposed in the Commons, and after a good deal of discussion it was proposed that one-third of the Aldermen should be appointed for six years, and that half of them should retire every three years. A conference of the two Houses was then held and the compromise was then accepted. The Bill was only passed on the explicit understanding that the question of a self-elected body existing within the Town Councils should be reconsidered at an early date. Other matters of greater importance intervened, and the consequence was that the state of things then introduced had remained unchanged down to the present time, although great dissatisfaction had arisen in many boroughs—notably Leicester, Leeds, and Winchester, where resolutions had been passed for an alteration in the law. In some instances the Town Council had, in the election of Aldermen, wholly disregarded the deliberately expressed opinions of the ratepayers. To remedy this state of things, his hon. Friend the Member for South Leicestershire (Mr. Heygate) introduced in 1875 a Bill which was intended to provide for the appointment of Aldermen by the cumula-

tive vote. There being many objections to the principle of cumulative voting, the House could not accede to the proposal; but the Government thought the circumstances submitted by the hon. Member for Leicestershire were sufficiently grave to induce them to take up the question, and the late Secretary and the Under Secretary of State for the Home Department expressed themselves entirely in favour of the general principles advocated by the introducer of the Bill, and promised to deal with the subject at a future time. Indeed, the Home Secretary moved the Previous Question on the distinct understanding that he would deal with the subject in another year. But nothing was done, and the matter still remained unsettled. The proposal of his Bill was perhaps the simplest and most moderate in its tone that anyone could make. It proposed that no Alderman hereafter elected should be entitled to give his vote for the election of another Alderman, and thus perpetuate a system of self-election which was diametrically opposed to the views held by all parties in that House in regard to local government generally. One of the results following from the prevalence of the present system was that it tended to encourage the introduction of Party politics in municipal bodies, the general rule being that the election of Mayor indicated the political majority of the Corporation, and the result was generally determined by the number of Liberal or Conservative Aldermen. At the municipal elections of last year it was stated that in no less than 72 cases the results were regarded by one side or the other as Party gains or losses; and it was a fact that the prevalence of Party feeling and motive in these elections had greatly increased of late years. Their desire must be that the best men should fill municipal offices; but under the present system men were made Aldermen not on that ground, and many were elected after they had been rejected by the ratepayers. He hoped that the Government would state definitely what course they intended to take in regard to the question; and he trusted that the House would state its opinion strong enough to show that the office was a useless one, and that this Bill ought to be passed into law this Session. The hon. Member concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. W. H. James.*)

MR. GOURLEY did not think that his hon. Friend had proved that the office of an Alderman was more useless than that of a Town Councillor. It was an office almost invariably conferred for services rendered to the public; and he did not understand why those who held it should be supposed to be specially incompetent to vote on municipal questions in the Council. He believed that the measure had been introduced with regard to the borough of Liverpool, and a few other corporate towns, where a certain political Party had obtained a preponderating influence in the Town Councils. No demand had been made on the part of the boroughs by ratepayers or public bodies for the change now proposed. The true solution of the difficulty, if there really was a difficulty, would be found in leaving the elections in the hands of the ratepayers. If the ratepayers found that there was any necessity for the discontinuance or a change in current of aldermanic seats, they would be sure to exert themselves and make a change. If they were to prevent an Alderman from voting for Aldermen, they might as well debar him from giving any vote at all. He begged to move that the Bill be read a second time that day three months.

MR. ROWLEY HILL seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Gourley.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. CAINE said, the hon. Member for Gateshead (*Mr. James*) had put the whole question in a nutshell when he urged that, under the present arrangement, the whole system of popular representation was set aside. At Liverpool in particular the results of the present system were extremely unsatisfactory. If Town Councillors were elected for four years, then he would suggest that at the end of the third year the senior should take the office of Alderman. Such a mode of nomination would bring about a better arrangement than that which existed at present. He even

wished that his hon. Friend had brought in a Bill to abolish the office of Alderman altogether; but, as that was not now proposed, he sincerely trusted that this Bill would become law, and be in operation next November. They would have better and more popular municipal government under its provisions.

MR. DALY stated that, having a lengthened experience as Alderman, he could not admit the principle of the present Bill or the remedy proposed. If the promoters of the Bill had been more courageous, and had endeavoured to assimilate the principle of election in the English municipalities to the principle existing in the Irish boroughs, they would have contributed in a much greater degree to the interests of the country. If they were to consider the operation of the recent laws as connected with the administration of the Corporations, one could hardly fail to be struck with the important duties which now devolve upon Corporations. A Corporation was the instrument by which all the sanitary laws were put into operation. It had the power of enabling a city to become healthy or not; it had the power to control the sewers of the city; and it had the power to compel the owners of property to effect such sanitary measures as conduced to the health of the city. Now, the principle of election was a faulty one where the burgesses had not the power of affirming or condemning the action of Aldermen. The principle of election existing in Irish municipal boroughs was that Town Councillors should present themselves for election every three years, and Aldermen every six years, whether he be a new man or a tried one. Such a system was much more perfect than that existing in England, because it gave to the constituencies the opportunity of expressing their approbation or disapprobation of the members of the Town Council. He himself had had the opportunity of recognizing the influence of what was called new blood; and he found that the real operation of the municipal laws depended to a great extent upon the activity of the persons constituting the Corporation. Of late years a great deal of activity had been displayed in the Municipal Corporations, owing to the pressure put upon them by their constituents. Returning to the measure before the House, he repeated that the principle

of the Bill was faulty and defective, and that the remedy proposed was defective, inasmuch as it practically disqualified certain of the representatives of the constituency. He therefore recommended to the hon. Gentleman who introduced the measure to have a little more courage, and bring in a Bill which would provide that the Aldermen should be elected by the constituency they had to represent.

MR. LEWIS FRY pointed out that in Bristol a considerable proportion of the gentlemen who filled the office of Aldermen were young men, and, as in many other towns, very few of the Aldermen had previously been elected Councillors. He considered that the more Party feeling was kept in abeyance the better it would be for the conduct of their municipal affairs, and the present system had rather a tendency to promote and increase Party feeling, because there was a strong sense of dissatisfaction on the part of the ratepayers when they felt that their opinion was not represented by the majority of the Town Council. With respect to the present proposal, he rather thought that the preferable remedy would be to repeal that provision of the Municipal Corporations Act which enabled the Town Council to elect Aldermen from gentlemen who were not members of the municipal body; but the present state of things was so very unsatisfactory that he should support the Bill as a protest against it.

MR. DAWSON agreed with the hon. Member for Cork that there ought to be a more radical measure to remedy the existing evil. He would support the Bill as a step in advance; but he trusted that at no distant day the more radical measure indicated by his hon. Friend would be introduced. He was anxious to assimilate laws of Ireland to those of England from which the Irish people would derive a benefit; and he likewise very much wished to assimilate laws of England to those of Ireland by which the English people would get a benefit. In Ireland an Alderman was elected, in the first instance, by having a majority of votes of the ratepayers; and, therefore, the will of the ratepayers was entirely carried out in the matter. In England it appeared that Aldermen were elected from an already elected body; and he always looked with very grave suspicion upon elections which were of such a very circumscribed character. He considered that the rate-

payers should have the selection, in the first instance, of the entire Corporation, and that when they had served a certain period, and had got an acquaintance with all the minute and multifarious details of the work required of them, the Aldermen should be chosen, not by themselves, but by the constituents. He quite agreed with his hon. Friend that if a man had served for four years in the Council, and had shown very great attention and assiduity in his work, he was entitled to be promoted, and that his power to do good would be greatly increased. It was a very lamentable thing even in Ireland to see some new person, for reasons thoroughly apart from his qualifications, made Alderman and put over the heads of those who had probably served a diligent apprenticeship in the Town Council. Such a thing, it appeared, was done in England in a more dangerous manner. The hon. Member for Cork had spoken of the daily increasing duties which had been put on the various municipalities by the Acts which had been passed in recent years. Now, it was necessary that the men who came to administer these laws should have had experience in sanitary matters. In England the Corporations had to deal somewhat with educational matters; and they had the power of instituting reforms and inculcating social habits which, he believed, more than any restrictive laws, would prevent excesses which they all deplored. He should support the present Bill, trusting, however, that a more complete measure would shortly be introduced.

MR. ROWLEY HILL did not deny that the position of Alderman was an exceedingly anomalous one, but thought that the remedy proposed would be worse than the evil which the hon. Member for Gateshead sought to remove. So long as Aldermen were by law made members of Town Councils, and invested with all the duties and responsibilities of Town Councillors, so long it seemed to him it would be perfectly inconsistent that their power to vote should be limited on any occasion where their personal interest was not concerned. The point dealt with by the Bill was not the only one in which the municipal laws required amendment. He objected to a piecemeal measure, and hoped that the Government would introduce before long a more extensive reform.

MR. CAUSTON desired to call the attention of the House to a state of things in the borough of Colchester, which he had the honour to represent. For 43 years the Conservatives had had the ascendancy in the Council—in fact, a Liberal Alderman had never been elected since 1836, until the February of this year. That was only because the Liberals were fortunate enough at the last municipal election to secure 13 representatives out of 18 elected Town Councillors. He ought, in the first instance, to state how the Corporation of Colchester was constituted. It was comprised of 18 Town Councillors and 6 Aldermen. At the last election of Aldermen the Town Councillors consisted of 10 Liberals and 8 Conservatives; but although the former were in a majority they had no control over the election of Aldermen, because the Aldermen who had previously been elected, not by the voice of the town, but by one another, were able to out-vote those who really represented the popular feeling of the town. His hon. Friend the Member for Sunderland said that, as a rule, Aldermen were elected from the Town Councillors. He should like to point out that during the last 43 years, although the Conservatives of Colchester had had the control of the election of Aldermen, only two had been chosen in that time who had ever received any votes from the ratepayers. That was an evil which ought not to exist. The hon. Member for Sunderland had also said he would like to leave the matter in the hands of the ratepayers. He (Mr. Causton) believed that that was very desirable; and he thought that if they provided that Aldermen should have no control over the election of Aldermen, the matter would virtually be left in the hands of the ratepayers. He thought, moreover, that it was very desirable that the Town Council should have the power to elect as Aldermen gentlemen who, not caring to go through a contested election, were able and willing to render considerable service to their fellow-townsmen. It would be admitted by both sides in the borough of Colchester that there had been men in this position; but simply because they happened to be Liberals the Tories had made use of their power to keep them out. Fortunately, the Liberals were now in the possession of power which would possibly give them

control over the election of Aldermen for the next 30 or 40 years, whether this Bill passed or not. They had now 13 Town Councillors and 1 Alderman out of a total of 24. He trusted, therefore, that it would not be imputed that he was making this speech for any Party purpose. He thought the measure a wise and just one, which ought to pass, and hoped the House would allow it to become law before the end of the Session.

MR. GILL desired, as a member of the Corporation of Dublin, to make one or two observations on the Bill. Some of his hon. Friends on the Opposition side of the House had suggested the assimilating of the election of Aldermen in England. In Ireland an Alderman held office three years, at the end of that time the Alderman had to go before his constituents, and in all respects his election was the same as that of a Town Councillor. As an instance of how Aldermen did not always please their constituents, he might state that he knew of many cases in which they had lost their seats as Aldermen, but had been given another chance as Town Councillors. If they did not please their constituents in that capacity, they had at the following election been turned out. He thought that the hon. Gentlemen in charge of the present Bill ought to try to assimilate as near as they could the law of England in that respect with that of Ireland. The hon. Gentleman had said he would like to see Aldermen abolished altogether. He did not see any necessity for that, for he thought that by limiting their powers everything would be done that was necessary. They might have some slight advantage over Town Councillors; but not the very great advantage which they appeared to have in the English municipalities. As far as he could make out the municipal feelings of the ward, it would be much better represented by the adoption of the Irish system of election, for then there could be no such thing as a close constituency. He had made those observations in the hope that the hon. Members who brought forward the Bill, and for which he intended to vote as an advance towards a better state of things, would go more rapidly so work, and bring in a Bill something after the lines he and his Irish Friends had indicated.

MR. STEVENSON said, that the recommendation of the Bill, to his mind,

was its moderate character, and entitled to every support. The anomalies complained of must be dealt with; but not by the adoption of the cumulative vote, as had been proposed in previous Sessions. Their object in those days should be to strengthen the municipal institutions of the country; and that would be done by making them more directly representative. At the same time, it was most important that the knowledge of men who had experience of municipal business should be retained and made available for the service of the public. As a friend of the continuance of the Aldermanic system, and to remove the blot upon it, he supported the Bill.

MR. A. H. BROWN observed, that in most boroughs the position of Aldermen was the reward of political service. That was not good for the municipality; and as he thought this Bill took a small step towards improving the present state of things he would support it.

MR. BARRAN said, that Liverpool and Bristol had been brought very prominently before the House in relation to the injustice done to the ratepayers by the existing law. Now, he was very much inclined to think that if Bristol and Liverpool had had a representation on the Aldermanic Bench of a different hue, they would very likely have heard nothing of the inequalities in those two great cities. The fact that in Liverpool the Conservatives had had for many years a majority in the Town Council had very naturally created dissatisfaction on the part of the opposing political Party. As far as Liverpool was concerned, he thought matters were improving. At the last municipal election the return of Liberals was far in excess of Conservatives, who at present held power in the Corporation; and he thought that before long the position of parties would be reversed. As to Bristol, he would tell them what was necessary to be done, and they would soon see a different state of things. The inequality of representation in Bristol was very manifest. The wards of the borough were not wards which represented the population, and they were very unequally distributed. The remedy for this evil was that there should be some inexpensive and speedy mode of distributing voting power, in order that a fair representation of the burgesses might be

sent to the Town Council. They had been told that they were to be careful not to cast any reflection upon, or to diminish the power or influence of, the Municipal Corporations; and he was of that opinion, because, considering the great and important work which they had done, and considering the responsibility which had rested upon them, and the very efficient way in which they had done their work—they ought to be very careful indeed not to take any steps which would tend to diminish the confidence of the general public in these institutions. Let them reflect upon what had been done since the passing of the Municipal Act. Birmingham was a noble example of what had been done in the way of enterprise in providing for all the necessities of the town and its development, structurally and otherwise. The borough which he had the honour to represent had not been by any means behind in the work that it had done. In the establishment of their large public library, an institution which was circulating at the present time more than 50,000 volumes free to the ratepayers, they had something of which they might be justly proud; and the provision they had made with regard to gas and water and other things was of a character and on a scale worthy of them as a Corporation. In the Corporation of Leeds they had a large preponderance of one political Party, and they had had that for a great many years. Mr. Wheelhouse, his late Colleague, introduced a Bill into Parliament for the purpose of securing the election of Aldermen by the cumulative vote. If it had not been that in Leeds the Liberals predominated in the Town Council, they would never have heard of the suggestion. Therefore he was of opinion that to confine this kind of legislation to exceptional circumstances was undesirable. Although in Leeds they had a preponderance of Liberals in the Town Council, they had only used their power occasionally for the purpose of electing gentlemen outside to the Aldermanic Bench; the last instance was the hon. Gentleman who now represented the Eastern Division of the West Riding of Yorkshire. The argument used by the Town Council of Leeds was this—that unless a man was prepared to present himself to the burgesses of the borough, and was willing to go through the ordeal of a con-

tested election, if necessary, he was not entitled to the confidence and support of the Corporation as an Alderman. The Aldermen of Leeds were elected to the office on account of their qualifications for the office. Almost all their committees were presided over by Aldermen; and he thought he might say that the business of the Corporation of Leeds was conducted in such a way as to give satisfaction to the general body of ratepayers. Liverpool, Bristol, and Colchester had been specially referred to in the course of the debate as places in which an unsatisfactory state of things existed. Was that the fault of the institution, or the fault of the Party? and if the Party pursued a course of this kind—if it disregarded the claims of individuals, and also disregarded the demands of the constituency for justice and fair play—then make whatever law they might these men would still evade it. In the case of Bristol and Liverpool, he believed that the unsatisfactory state of affairs could be reversed. If the city of Bristol were to memorialize Parliament some steps would be taken to remedy the evils which existed there.

MR. LEWIS FRY said, that a Bill had passed during the present Session to alter the distribution of the municipal representation in Bristol, and thus to remedy the evils to some extent.

MR. BARRAN was very glad that such a Bill had passed, which would remedy the evil. It would then be found that the ratepayers of Bristol had the power in their own hands. If they were going to discourage household suffrage because it did not result in sending certain men to the Councils of their boroughs, they would have to pursue a course which, he believed, would be destructive to the best interests of their municipal institutions. The Corporations of England were representative so far as the Town Councillors were concerned, and those Town Councillors were bound to obey the behests of the burgesses. If a Corporation, say the Corporation of Leeds, were to elect Aldermen who were distasteful to the general burgesses of the town, rest assured that the electors would at once say that men who voted for persons as Aldermen who were distasteful to the people should not be returned again to the Council. The burgesses had the remedy in their own hands; and he was quite sure that, by a fair distribution of

the voting power in the towns of England for the purpose of electing Town Councillors, an influence could be produced which would tell favourably in the election of Aldermen. He hoped nothing would be done in legislation of this kind which would for one moment cast a reflection on the institutions which had done so much good, and which, he believed, were destined to do much more in the future.

MR. LYULPH STANLEY said, that hon. Gentlemen who had already spoken on this subject had alluded to particular boroughs; but, for his part, he thought it ought to be considered on its general merits. While he fully acknowledged that the Bill was one which might be called piecemeal legislation, he felt disposed to support it, at any rate, as a provisional measure. At the same time, he must say that he should very much like that Her Majesty's Government should make some statement to the effect that they would undertake, in a general measure, to deal not only with this, but with other matters connected with municipal government. There ought, in his opinion, to be some self-acting machinery to re-adjust the representation of the people in proportion to the population. It was very desirable that the gentlemen elected to the Town Councils should reflect the sentiments of the time in the borough, for all institutions ought to be in harmony with the existing sentiments, and not with the past sentiments of the people. This was not a Party question, because they knew perfectly well that in some boroughs Conservatives were in the majority, and in others Liberals had the preponderating influence in the Town Councils. They also knew that, in many of those boroughs, the stronger Party for the time being had used its power to perpetuate a system which was not in harmony with the views of the electors generally. That state of things he regarded as mischievous. That was only part of a great question of municipal reform. There was a large number of boroughs in which the wards were grossly unequal. In considering the general question of municipal administration, it was important to devise some easy self-acting machinery, in order to bring the Town Councils into immediate harmony with the sentiments of the people; and he hoped that the Government, amongst the many onerous duties which devolved upon them, might find

some opportunity of giving their attention to that question. If the Government were now to make some promise to deal with the subject, he presumed that the hon. Member for Gateshead (Mr. W. H. James) would not, in face of such an assurance, persevere in pressing on his Bill. But if there were no hope of the Government doing anything in the matter, then he, for one, hoped that the Bill, though a small and piecemeal measure, would be accepted by the House as a step in the right direction.

MR. ROBERTS cordially supported the Bill, believing that it offered a simple remedy for an evil—the power Aldermen now had of electing their fellow Aldermen, irrespective of and often contrary to the feelings and opinions of the majority of the elected members of the Corporation. As a citizen of Liverpool he had many years' experience of the system working adversely to the interests of the Liberal Party; but he believed that there were many places where the proposed change would be of advantage to the Conservatives; and he was confirmed in this belief by the action of some hon. Members on his own side, and the absence of opposition to the measure by hon. Gentlemen opposite. The Bill would cut both ways, so that they were able to regard it as a matter of principle, irrespective of Party consideration. He objected to the present mode of electing Aldermen in England, mainly because under it municipal bodies could, and often did, represent the opinions, not of the present electors, but those of electors of three, six, and more years previously. Imagine such a system applied to our Parliamentary representation. Suppose that the majority of the Members of that House had the privilege of electing one-fourth of its Members, and that half of the number so elected had the privilege at every General Election of voting for successors. The result would be that if the Liberal majority at the last election had been 80, instead of twice that number, the country would now be governed in accordance with the result of the Election of 1874, and not that of 1880. Such a state of things would, of course, be impossible, because unendurable; and the same principle was as unfair, though not as important perhaps, in the election of Municipal Corporations. He asked the House to pass this Bill, not merely to

remedy the special grievances which had been referred to, but in recognition of the principle that municipal government, like Parliamentary, should be representative, and that this Bill would make it more directly such.

MR. MUNTZ said, he was of opinion that no case had been made out in support of the Bill. Any stranger hearing the debate would imagine that Town Councils were elected only for political purposes. But Town Councils were elected for attending to the lighting, paving, and other duties important to towns. When Aldermen were appointed—he regretted sometimes for political reasons—they were elected by those who had been chosen by the ratepayers. There was this advantage in having Aldermen on a Corporation: they acted as a continuity of the line of business or policy adopted by a Corporation; and thus, if a great change occurred in the constitution of a Corporation, the Aldermen were able to continue the thread of the municipal business. Now, he thought it would be generally admitted that the present system had worked very well. It was for the burgesses to return whom they liked to the Town Council, and in the end the burgesses generally had their own way. The case of Colchester had been quoted, where there were three Aldermen; and one of them would, of course, have the power of giving the casting vote. But then the burgesses would ultimately have the right of expressing their opinion. He would ask the hon. Member, under all the circumstances, to let well alone. Some people said that this was all that was wanted; but his opinion was that there should be no change in the law, unless the Government thought fit to take up the subject, and he submitted that no case had been made out for a change in the law.

MR. WILLIAMSON, as a citizen of Liverpool, said, that if they allowed the present system to continue, it would not be a case of letting well alone. The present system of electing Aldermen was a relic of the old rotten borough system, and he hoped it would be reformed by the passing of this Bill. He did not object to a small body of experienced men having the distinction of Aldermen; but this distinction ought not to be given by a majority, only obtained by the voices of other Aldermen. He agreed with the hon. Member for Oldham (Mr. Stanley) that the Town Councils ought to repre-

Mr. Lyulph Stanley

extended. In 1875, in the English Act, the notice was increased from six months to one year; and in 1876 it was increased in Ireland to the same period. If the law had been so altered in these countries in the case of yearly tenants, it was not too much, he thought, to ask that the Scotch law should be altered to two years' notice in the case of 19 years' leases. There was another part of the Scotch system which he would like to allude to. It was, that when a lease expired at the end of 19 years, or the period decided upon, if there was no arrangement between the landlord and tenant, and no notice, what the Scotch called tacit relocation took place, and this entitled the tenant to remain for another year, and so he went on from year to year, without any written engagement. It entitled the tenant to one year more of possession of his holding. If this Bill passed into law, it would be very popular, especially in view of the Bill which, he supposed, would also be carried this Session in regard to certain wild animals. The effect would be that when the leases expired tenants would be allowed to remain under the system of tacit relocation from year to year, and they would have a right to have two years' notice. A very important point in the system of two years' notice was this—that it would settle the question of unexhausted manures to a great extent. By a short clause in the English Agricultural Holdings Act, it was provided that compensation should be given to tenants for unexhausted manures put in within two years of the termination of their leases, in order that they might not lose the value of the money invested in manure, and yet that the land might be cultivated up to the highest point to the very end of the lease. It might happen in Scotland, under the existing law, that a man might remain for 18 years and 325 days upon a holding, and might manure it properly, expending money upon it up to the very last year; and yet the landlord might come to him and say—“You will go in 40 days, and I will have all the benefit of your manure.” That was a very hard case, and it was provided for, in so far as England was concerned, in the English Act, and it would have been in the Scotch Act if the Agricultural Holdings Act for Scotland had been pressed on; but the late

Government withdrew the Bill the same year as it was introduced, so that in Scotland they had not that provision. Scotch farmers did not yet enjoy the presumption of law enjoyed by the English farmers. By the action of relocation, a farmer might be allowed, after his lease expired, to continue his occupancy of his farm without the security of any written document, being content to remain on the same footing as before. That was a very satisfactory thing to see, because it showed that the tenant and the landlord were on a footing of confidence. He would just read a short paragraph from Lord Stair's *Institutes* as to the meaning of tacit relocation:—

“Tacit relocation is that which is presumed to be the mind of both parties after the expiry of the tack, when neither setter warneth nor tacksman renounceth.”

Well, he had put in the Bill that a notice should be given not less than two years, and not more than three years, and the object of that was that the tenant should not receive notice at the commencement of his long lease of 19 years, and then hear nothing of it until two years before his lease terminated. It had always been thought that notice should be within a reasonable time; and in an Act of Parliament in 1676, or some such date, it was provided that warning should be given not more than three years, and when they considered that a landlord had a tenant under his observation for 17 years, it was surely no hardship to ask him to make up his mind whether he would keep his tenant or not, and it was due to the tenant he should know what his prospects in life might be. If the landlord was undecided he only had to give his tenant notice that he would have to go, and the landlord thus would save himself from any inconvenience; but it did not follow that he needed to act upon that warning—he might let the tenant remain if he liked when the lease expired. He thought it was for the interest of landlords as well as of tenants that such a Bill as this should become law. It would be to the interest of the landlord to have his land fully cultivated up to the end of one lease and the commencement of another. The incoming tenant, on the other hand, would find the land manured to a greater extent than was now the case. It would be to the interest of the State

AGRICULTURAL HOLDINGS (SCOTLAND) (NOTICE OF REMOVAL) BILL.

(Sir Alexander Gordon, Mr. Mc Lagan, Mr. Barclay.)

[BILL 141.] SECOND READING.

Order for Second Reading read.

SIR ALEXANDER GORDON, in moving, that the Bill be now read a second time, said, the object of the Bill was twofold. The first object was to provide for the continued cultivation of land up to the fullest power of production that was possible, instead of allowing it to fall into a low condition at the end of an old lease and the beginning of a new one; and the second object was to provide security to a tenant that he should receive at the end of his lease compensation for his unexhausted manures. The one was the interest of the State, and the other was the interest of the tenant. It was the interest of the State that the land should always be fully cultivated, and it was the interest of the tenant that he should fully get back the value of the money he expended. He would like to explain that the system of tenure was very different in Scotland from what it was in England. In the majority of cases in England, yearly tenancies were the rule, and leases were the exception. In Scotland it was the reverse. It was usual there for the land to be occupied under leases, yearly tenancies being exceptional. Leases in Scotland generally ran for 19 years; and the law, as it now stood, made him only receive 40 days' notice before the termination of his lease, so that a farmer might remain 18 years and 325 days in his holding, as he believed to the satisfaction of his landlord, and then have only 40 days' notice to clear out of his farm, in which he might have invested thousands of pounds, and might provide himself with a farm, if he could, elsewhere. That was a state of things that the Bill was intended to remedy. The law of England and Ireland required that no less than a year's notice should be given even in cases of yearly tenancies. Even where farmers only held from year to year, they were entitled to a year's notice, unless they had contracted themselves out of this rule on their own accord by making another arrangement. When it was considered that in Scotland they had only 40 days' notice, even in cases of leases of

19 years, he thought the alteration proposed by the Bill would commend itself to the House. The law of 40 days' notice had been in force for 325 years. It was enacted in the time of Queen Mary of Scotland in the year 1555. It was then thought a very judicious and humane measure. The previous custom was described by Erskine, in his *Institutes*, as an injurious and barbarous custom, for all that required to be done was to break a wand at a tenant's door as a notice to quit. It was then also provided that the 40 days' notice should be 40 days' before the Whit Sunday of the year of the termination of the lease, so that whenever the lease expired in Martinmas—11th November—as the tenant had his notice 40 days before the 15th of May—the legal Whit Sunday in Scotland—that gave him more than six months' notice. If the lease terminated on a Whit Sunday, the tenant must have a year and 40 days' notice, because the law required that notice must be given before the Whit Sunday preceding what they called the "ish" or exit of the lease, so that in some cases the tenant might have a year and 40 days' notice. That system of giving 40 days' notice before Whit Sunday existed from 1555 till 1853, when a Bill was brought into Parliament and passed into an Act, which provided that the 40 days' notice should apply to any date. It took away the provision that the notice must be given before the preceding Whit Sunday. That was a great loss to the tenants of Scotland, because it took away six months at least of the period notice hitherto given to the tenant; and, strange to say, the Act which contained that little clause was an Act passed ostensibly to facilitate the procedure before the Sheriff Courts. He found that there was not a single word said in either House of Parliament on the subject of this clause, which was of such great importance to the farmers of Scotland. When such a measure was passed in 1853, without eliciting the slightest observation, it was not unjust to say that it passed without sufficient consideration of its importance. Now, although, as he had shown, the law in Scotland had been altered in what he called a retrograde manner on behalf of the tenants by allowing simply the 40 days' notice, in England and Ireland only recently the period of notice had been

extended. In 1875, in the English Act, the notice was increased from six months to one year; and in 1876 it was increased in Ireland to the same period. If the law had been so altered in these countries in the case of yearly tenants, it was not too much, he thought, to ask that the Scotch law should be altered to two years' notice in the case of 19 years' leases. There was another part of the Scotch system which he would like to allude to. It was, that when a lease expired at the end of 19 years, or the period decided upon, if there was no arrangement between the landlord and tenant, and no notice, what the Scotch called tacit relocation took place, and this entitled the tenant to remain for another year, and so he went on from year to year, without any written engagement. It entitled the tenant to one year more of possession of his holding. If this Bill passed into law, it would be very popular, especially in view of the Bill which, he supposed, would also be carried this Session in regard to certain wild animals. The effect would be that when the leases expired tenants would be allowed to remain under the system of tacit relocation from year to year, and they would have a right to have two years' notice. A very important point in the system of two years' notice was this—that it would settle the question of unexhausted manures to a great extent. By a short clause in the English Agricultural Holdings Act, it was provided that compensation should be given to tenants for unexhausted manures put in within two years of the termination of their leases, in order that they might not lose the value of the money invested in manure, and yet that the land might be cultivated up to the highest point to the very end of the lease. It might happen in Scotland, under the existing law, that a man might remain for 18 years and 325 days upon a holding, and might manure it properly, expending money upon it up to the very last year; and yet the landlord might come to him and say—“You will go in 40 days, and I will have all the benefit of your manure.” That was a very hard case, and it was provided for, in so far as England was concerned, in the English Act, and it would have been in the Scotch Act if the Agricultural Holdings Act for Scotland had been pressed on; but the late

Government withdrew the Bill the same year as it was introduced, so that in Scotland they had not that provision. Scotch farmers did not yet enjoy the presumption of law enjoyed by the English farmers. By the action of relocation, a farmer might be allowed, after his lease expired, to continue his occupancy of his farm without the security of any written document, being content to remain on the same footing as before. That was a very satisfactory thing to see, because it showed that the tenant and the landlord were on a footing of confidence. He would just read a short paragraph from Lord Stair's *Institutes* as to the meaning of tacit relocation :—

“Tacit relocation is that which is presumed to be the mind of both parties after the expiry of the tack, when neither settler warneth nor tacksman renounceth.”

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that that should be the case, for more food would be produced for consumption, and more content would be spread amongst the occupiers of land, as there would be more time allowed them to make their arrangements. Though he did not go the length of many Members in regard to the land, yet he thought it was perfectly right that the State should control the action of landlords in this country. They occupied the land for the beneficial interest of the public; and if their arrangements were not such as were conducive to the public benefit, he thought the State had a perfect right to step in and say, to a certain extent, what they should do. Large tracts of land were now going out of cultivation, and there was no question that the State had a right to step in and prevent this waste of food-producing power. The provision he was asking the House to adopt had reference to no hypothetical case. What he desired had actually been given on some properties, where it was found to be of very great advantage. He had here an extract from a lease on a large property with which he was acquainted—

"I (so-and-so) bind myself and my successors to give two years' notice before the termination of this lease to the tenant thereof, whether said lease is to be renewed to him, and if so, on what conditions."

That clause in the lease was found to be a very satisfactory clause, both to landlord and tenant. The tenant felt a security in all that he did, and the landlord gave up no control whatever over his property. His agent and factor had only to say two years before the expiry of a lease that it was to be terminated, if the landlord wished to get rid of his tenant. This cost nothing, and was giving away nothing when they had a long lease. He rather thought that English Members who were not acquainted with the working of the long-lease system in Scotland were afraid of granting the right to two years' notice; and certainly, when compared with 40 days' notice, it was a great jump to make. But when they considered that in England a year's notice was given in the case of a year's tenancy, two years' notice was worth nothing more than a Scotch farmer was entitled to with his long lease. He hoped the Government would assent to the principle of the Bill, because it really only went on the lines which Members of the present

Government had so often announced on the hustings their approval of. The Bill assented to the same principle as the Government had announced their intention of embodying in the measure they were going to undertake next Session.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Alexander Gordon.*)

Mr. RAMSAY said, it was with great reluctance that he rose to address the House on this occasion. The laudable object of the Bill of the hon. and gallant Member for East Aberdeenshire was to secure compensation to tenants who had used artificial manure in the cultivation of their land. But, in his (Mr. Ramsay's) opinion, the Bill would have very different results from those which the hon. and gallant Member expected would be derived from it. The hon. and gallant Member had said that the most of the land in Scotland was held under leases, while leases were exceptional in England. What he (Mr. Ramsay) deprecated as one of the probable results of this measure was that the landlords in Scotland would be compelled, as in England, to do without leases. He deprecated any interference by piecemeal legislation between landlord and tenant. If the State was going to interfere—and he did not dispute the proposition that the State had a right to interfere when the people of the country were prejudiced by existing law—indeed, it was well known that it did interfere in such cases, with or without compensation, as the circumstances required. He should rather see the views of the late Mr. Mill carried out, and that the State should take over the land, give compensation to the owners, and farm it itself, or let it to such farmers as it pleased, than see the relations of landlord and tenant disturbed in every succeeding Session of Parliament by measures such as the present Bill. The tenants were quite able to take care of themselves. His hon. Friend assumed that the tenants were unable to take care of themselves, and complained that the land might not be cultivated during the last two years unless his Bill was passed. But he (Mr. Ramsay) saw another probable result of passing it. The landlord might give the two years' notice saying—"I have given the statutory notice; if you do not think of

Sir Alexander Gordon

leaving, it will be open to you to arrange with me before it expires." In such a case the two years' notice would be of no use to the tenant. He would be in doubt whether the notice would be put in force or not. It would be better to continue the 40 days' notice, with the distinct arrangement embodied in such lease that the tenant should quit at the end of the expressed term of years without any notice at all. Their leases contained a notice to remove at the end of the lease, with or without notice. But in addition to the 19 years' notice to quit, expressed and agreed on in the lease, the law said he should get 40 days' notice, immediately prior to the stipulated term of removal, and that if he did not get it, he should be entitled to remain in possession under tacit relocation, which was equivalent to saying that the tenant sat on from year to year on the same terms as he had previously held the land under the lease. It would be all very well to legislate in this fashion if the whole of the land of Scotland were arable land under cultivation. But it was less than one-fifth of the area of Scotland which was under cultivation; and such a sweeping measure as this would disturb the relations of landlord and tenant where there was no need of such change, as might be needed in the case of arable land. Farmers on arable land and farmers generally in Scotland were quite able to judge of the nature of a bargain. He had had experience of a large number of tenants, and over a wide area, and he found them quite as well able to take care of themselves as the landlords. He did not see on what grounds the House should be asked to sanction the second reading of a measure of this kind, without there being any sufficient reason shown that the State had such an interest in the question as should constrain it to legislate in the way proposed by this Bill. He trusted that the Government would be pleased to intimate that they had resolved to take up the whole subject of the relations of landlord and tenant, and adjust them in a comprehensive fashion, not allowing them to be disturbed annually by measures such as the present, and such as had been previously brought before the House.

MR. ORR EWING said, he was very sorry that his hon. Friend the Member for the Falkirk Burghs (Mr. Ramsay)

looked upon the Bill as such a violent and sweeping measure. He was surprised to hear his hon. Friend say that he would rather see the land in the hands of the State than this Bill passed. He (Mr. Orr Ewing) thought it was a just and reasonable measure in the interests of landlords as well as in the interests of the tenants. Agents or factors generally began to deal with the tenants long before the end of their leases. They generally gave the tenants to understand whether or not they were to go on before its termination. But there were landlords and landlords in Scotland, just as there were farmers and farmers in Ireland. Under the law as it at present stood, a man might have been 19 years on a farm, and, perhaps, have spoken to the factor about his lease being renewed. There might have been an understanding, though actually no bargain, that it should be renewed; but something might, ere the old lease actually expired, take place between the farmer and the factor which would result in the farmer getting the 40 days' notice to quit. The farmer might be obliged to leave his farm without having dealt with the land as he would have done had he known he was to leave, and no compensation was allowed to him. If that Bill were passed, such a thing as that could not take place. Could it be said that 40 days were sufficient for a tenant farmer—perhaps a very large tenant farmer—to look out for another farm in which he could locate himself? It was impossible to get a farm at 40 days' notice, and farmers would, consequently, be put to great loss. His opinion was that that Bill would be a very judicious settlement of the question. It would improve the cultivation of the land, because they knew that where there was no arrangement made between landlord and tenant, the latter exhausted the land at the end of his lease by putting in white crops to a great extent and putting in no manure, and the incoming new tenant found the land was very inferior to what it should be. He did hope that this measure would meet with the favourable consideration of Her Majesty's Government, for he thought it was a reasonable and just measure for the tenant farmers as well as the landlords.

MR. J. W. BARCLAY said, he was glad that the hon. Member who had just sat down had so completely and fully

answered the hon. Member for Falkirk (Mr. Ramsay), who had taken a rather extreme view of this Bill. The hon. Member did usually take an extreme view of the rights of landlords in regard to the holding of land. He (Mr. J. W. Barclay) thought this Bill was a step—he did not say a large one—in the right direction, and that was towards continuity in the occupation of the land which must accompany high cultivation. The necessity for the landlord, or more probably his agent, giving two years' notice before their relations could come to an end, would be a strong warning to landlords and farmers that they should then endeavour to agree upon the provisions of a new bargain. Under the present arrangement, an agent neglectful of his landlord's interests might put off from one day to another giving the farmer any clear idea whether he wished him to go or stay; and the consequence was that the farmer would, during the last two or three years of his lease, put no money into the land which he could avoid doing. He would try, on the contrary, to get as much out of the farm as he could. Such a practice was neither advantageous to the farmer, the landlord, nor the public at large. It might be said that the proposal was an interference with the freedom of contract; but the provision as it now existed of 40 days' notice was a decided interference with the freedom of contract. ["No, no!"] He thought he was justified in so calling it. The landlord stipulated in the lease that the tenant was to quit the farm without any notice whatever, and if that notice were not given, then the tenant had a right to stay on for another year; but if the law overruled that express contract in the lease, as was the case, and said that a tenant was not bound to leave if he had not 40 days' notice, that appeared to him as explicit a case of interference with the freedom of contract as it was possible to have, and it might be some consolation to the noble Lord (Lord Elcho) to know that it had existed for 325 years without the Constitution of this country being seriously damaged in consequence. So far as this question of interference with contract was concerned, it seemed to him that it was merely a question of expediency. Parliament did and ought of necessity to interfere with contracts, when it appeared to be a necessity, in the in-

terest of both parties and of the public. He was not in the least afraid that landlords would have recourse to yearly holdings in Scotland. Leases for long periods had done far more for the landlords of Scotland than for the tenants. But for them the landlords would have been obliged to accept large reductions of rent at the present time. Under yearly leases, a large portion of the land in Scotland would go out of cultivation, as it could not be the interest of the tenant to cultivate it on such terms. It was said that the tenants were able to take care of themselves. He was not surprised that the landlords should bring forward this argument. The landlords might say that the tenants were able to take care of themselves; but did the facts substantiate this statement? There was no doubt of what the opinions of the farmers themselves were. They were of opinion that they could not take care of themselves in their bargains with the landlords. If the House would consider the conditions to which they had to submit—and the conditions of a bargain were about the best evidence that the public could get as to whether, in the case where it applied, the parties to it were on an equal footing—the House would see that these conditions were manifestly unjust and one-sided, and that the only conclusion that would be come to by a jury considering it would be that one of the parties was not in a position to take care of himself. He was prepared to contend that there was no class of people in this or any other country more independent in character than the farmers of Scotland. They had shown this at the recent Election; and the fact that even they had to submit to conditions manifestly unfair and one-sided was the strongest possible evidence of the great power and pressure they had to contend against in making their bargains. This Bill being a step in the right direction, he hoped it would have the support of Her Majesty's Government. Though it interfered with contracts, it only interfered in a slightly greater degree than the present law interfered. They were only extending a principle which had existed for 325 years, and the necessity of which was becoming more and more apparent as the cultivation of land became more and more developed.

SIR EDWARD COLEBROOKE said, he had listened carefully to all the

Mr. J. W. Barclay

speeches made on the subject, and he had failed to find that a single instance had been given of evil arising out of the present state of the law which would justify the Bill before the House. What did the Bill deal with? It did not deal with tenants below five acres, or with tenants at will. It had nothing to do with those two classes for whom, if at all, some protection was needed; but it proposed to deal with parties who voluntarily entered into engagements extending over a considerable time, in Scotland generally 19 years, and to provide against the contingency of the two parties not coming to an agreement as to the renewal of the lease within 40 days of the expiring time. He challenged his hon. Friend whose name was at the back of the Bill (Mr. J. W. Barclay), or any hon. Gentleman connected with Scotland who knew anything of the working of the lease system in Scotland, to produce to him any instance where a grievance had arisen out of the present state of the law. Judging from his own experience, the usual practice was that leases were entered into for 19 years with the full understanding that if they did not come to a further agreement before the expiration of the time first named the lease came to an end. That was the usual practice in his neighbourhood, and, he believed, everywhere. It was only common sense to expect that no prudent man would allow his lease to run out just on the chance of its being renewed, or on the chance of tacit relocation. The farmers generally wanted a renewal of the lease, and if they could not get it they left their farm and went away somewhere else. It might be that extreme cases did occur when negotiations went on sometimes up to the last moment; but he thought it was very exceptional, for in practical life he thought the tenants generally knew very well what they were about. What was the object of the Bill? What earthly benefit would it be to the tenant farmers? An hon. Gentleman below him had said that it would lead to the disuse of leases; but he did not believe that there would be a disposition on the part of the landlords and tenants of Scotland to part with leases, nor did he believe that would be the result of the Bill. But what he did think the result of the Bill would be was that the notice would be given two years before

the end of the lease, and then there would be an agreement between the landlord and tenant, so that in reality the Bill would be an utter nullity. He believed that would be the result of the Bill; and unless some hon. Member connected with Scotland could get up and lay his finger upon a case which could show that there was great necessity for the proposed legislation, he was of opinion that the Bill ought not to go on; but if, as was stated by the hon. Member for Forfarshire (Mr. J. W. Barclay), there was a necessity for the alteration of the law with respect to the 40 days' notice, then he would be quite ready to consider that subject.

Mr. BIDDELL said, he held two or three farms under leases; and certainly, unless a fresh arrangement was made, his term would expire at the end of the lease, the result of that being that instead of getting 40 days' notice, as the Scotch did, the English farmers did not have any notice. The usual practice was that a lease terminated when the time expired, unless it was renewed. At the same time, he was of opinion that the principle advocated by the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) was a right principle. He believed it would be mutually advantageous if the law compelled the party wishing to terminate an engagement to give, say, one year's notice. Two or three years he thought to be too long a notice. In the Chamber of Agriculture of which he was a member the subject had been discussed, and that body had come to the conclusion that it would be of mutual advantage if one year's notice was the rule. This would afford no more protection to the tenant than it would to the landlord. Landlords had, certainly, land thrown upon their hands when they did not expect it, and he thought the principle laid down in the Bill was a just one.

Mr. M'LAGAN said, an hon. Gentleman had challenged any Scotch Member to adduce cases where a grievance had been created by the existing law. He knew a case in his own neighbourhood where a landlord had let the land on the best terms possible. The tenant requested the landlord to renew the lease; but he declined to state what course he intended to take before the 40 days. It might be said that the landlord did not put the tenant out of the farm; but then

he put him to great trouble and inconvenience in not knowing whether he was going to be allowed to remain or not, and it had often been found that farms were not easily to be obtained at 40 days' notice. It was not merely the question of compensation for unexhausted manures which the tenant had put in his holding; but it was necessary for the tenant to get a longer notice to quit in order to enable him to obtain another farm and a house in which to live; and on that ground alone he advocated the principle of the Bill before the House, and should support its second reading. He was very much surprised to hear the hon. Member for the Falkirk Burghs (Mr. Ramsay) speak of the question as if it was such a great interference with the freedom of contract. He (Mr. M'Lagan) was as much opposed to interference with freedom of contract as anyone, and he agreed that any interference on the subject ought not to take place except under circumstances of public necessity; but in the case of the Bill before the House it was not introducing a new principle at all. They had the interference of the State existing already, in so far as legislation was concerned, as it was already provided that 40 days' notice must be given. That was provided in the event of the landlord and tenant coming to no terms whatever, and to prevent any dispute as to what time notice should be given; so it was said and laid down as a principle that it would be absolutely necessary to give 40 days' notice to render any dispute easily settled. It was not laid down that a landlord was compelled to give 40 days' notice. He might give one year or two years' notice if he chose; but in the event of any dispute between the landlord and the tenant the Legislature had laid it down as a matter of expediency that 40 days' notice must be given. The hon. Member for the Falkirk Burghs had said that it would have been much better for the Legislature to take all the land into its own hands and deal with it altogether than to have the present interference. On that question he maintained that they were anticipating altogether a discussion which would take place on another Bill which was before Parliament, when the question of interference with the freedom of contract would come up. The question now before them was very clear. It was abso-

lutely necessary that the tenant should know in time whether he was to keep his land or not, so that he might prepare for it either by manuring his farm heavily or by not manuring it so much, so as not to leave too much of his money in his land for those who might come after him. He knew of many cases where tenants were not told that they were to leave the farms, and the result was that they left a large amount of their capital behind them in the land; but, by giving two years' notice, they would be enabled to do that which was right and proper. He did not say that the landlords would be the losers by the proposal; but he thought that if the Bill passed into law the landlords would make agreements with the tenants that the farms should not be run out at the end of the lease. The right hon. Gentleman the Prime Minister, in one of his election speeches, stated that he thought a good arrangement between landlord and tenant would be to allow the tenant to farm land according to the best rules of husbandry, and during the last four or five years of his lease to bind him down to a particular rotation. That was simply giving four or five years' notice to quit to the tenant. It would not be necessary to give that notice at all if the landlord wished to part with him. That was the method which many of the best proprietors of England were adopting in regard to the cultivation of the land. They allowed the tenants to farm the land as they thought proper until nearly the end of the lease, and then they bound them down as to the way in which the cultivation should be pursued. They had been told from the front Treasury Bench that a Bill which was lately introduced was simply carrying out a practice which good proprietors adopted in the country. He was now only asking the House to carry out the practice which every good proprietor in the country adopted. Such a one would take good care to give his tenant due notice whether he intended to part company with his tenant at the end of his lease. He did not think two years' notice was too much. On the contrary, he put in his own leases sometimes four or five years, so as to allow the tenant on a farm to bring it into a proper state when he was about to leave. That, he contended, would be better than the present system, where a landlord had

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only to give six weeks' notice to leave. He trusted the Government would support the measure. But, if not, he hoped they would give the House a promise that when they took up the question of reforming the Land Laws that the question they were discussing would be particularly considered, and that due notice should be given to tenants before they were compelled to leave their farms. If they got that assurance from the Government he should advise his hon. and gallant Friend the Member for East Aberdeenshire (Sir Alexander Gordon) not to put the House to the trouble of dividing; but if they did not get that assurance he should certainly advise him to take the sense of the House on the question.

MR. ARTHUR PEEL said, he heartily wished a Scotch lawyer was present to deal with the question; but, under present circumstances, he would do his best. First, he must give every credit to the motives of his hon. and gallant Friend in bringing forward the Bill in the interests of the outgoing tenants, and to secure that what he thought due notice should be given him before the termination of the lease. He thought, however, that a strong expression of opinion had been given in that House that two years' notice was too long, and that to meet the circumstances of the case a much shorter notice would be necessary. But it appeared to him, as an individual, that the weak point in the Bill was this. Supposing he (Mr. Peel) were a proprietor, and he did not like the system of long leases, what, then, was to prevent him giving notice to his tenant as a matter of form, for the purpose of securing himself against probable loss? He should say to the tenant—"I am really not going to oust you at the termination of your lease; but I should like, in the meantime, to consult with you as to whether you can give me a sufficiency of rent, or equal to what another tenant will offer." In that case he did not precisely see how the tenant under the Bill would be in any different position to that which he was in under the existing law. It appeared to him that that was the weak point of the Bill. The suggestion had been thrown out that the Government should say that the subject was under consideration. All he could say was that the subject itself, as well as the question touched on in the Bill, and the question of the permanent

improvement of the relations between landlord and tenant was one eminently deserving of consideration, and one which ought to form part of any scheme on the subject. As the Bill was drawn he did not think it exactly answered the purpose which was intended; and he hoped the hon. and gallant Member would not press it at the present time, but take the assurance that the subject he had raised, and the other matters put forward as to the position and relations of the out-going tenant, would be carefully considered by the Government when they came to consider the whole question of the Land Laws.

LORD ELCHO said, he had not known that this Bill was to be brought forward, and he had only seen it that day at the Bill office. From what he had heard he should say that the Bill was one of those Bills showing the tendency of the Legislature to interfere in every possible way with everyone in every relation of life. At one time it was between employers and employed, with reference to injuries; at another time it was with seamen and their wages; and at another time it was with landlords. At the present moment, in consequence of the agricultural distress, the Liberal Party were attempting to make political capital out of it. It was supposed that that Party had incurred a debt to those who returned them, and they were endeavouring to pay that debt by interfering in every way between landlord and tenant. He maintained that the legal and official astuteness of the hon. Gentleman who had just sat down had made clear the defects of the Bill—that it would prove to be a nullity. But it was not a nullity in regard to the principle it embodied, of further interference with contract.. Anything like the reasoning of the hon. and gallant Gentleman opposite, logically speaking, he had never heard. In fact, he (Lord Elcho) had, by way of experiment, drawn a fresh Preamble to the Bill. The hon. and gallant Gentleman had asked them to contrast the state of things in England, where there was only a yearly tenancy, with a year's notice, and the state of things in Scotland, with 40 days' notice, and then proceeded—"Is it possible, in a country where the farmer is in possession of an 18 years' lease, to be turned out at 40 days' notice, while in England the tenant with no such lease had a year's notice?"

Therefore, the Preamble ought to run thus—"Whereas in England, where the tenant has no other security than a yearly tenancy, and of a consequence a year's notice is made necessary at the termination, *ergo* be it enacted that in Scotland, where the tenant has a security of 19 years' lease, two years' notice shall be required." He thought the reasoning was rather the other way. The whole theory of leases in Scotland was based on the security of long leases such as 18 or 19 years, and in consequence of that they only gave 40 days' notice. But they had heard, in the course of that debate, from many hon. Gentlemen, that the tenants in England with respect to leases were in a very much worse position than the tenants in Scotland were, whether in regard to house or land tenancy. As regarded the practical grievance, however, he dared any of the Gentlemen whose names were on the back of the Bill to say that any real practical grievance had arisen under the present system, and that the practice generally, as had been stated, was not to give ample notice to the tenant, whether they were or were not entitled to it. Hon. Members seemed to forget that what they proposed was an interference on the part of the State. He maintained that the State had no right to interfere, and should not interfere in this fashion. It simply led to bad blood between landlords and tenants; and he agreed with the hon. Member for the Falkirk Burghs that if the State was going to deal with land in that way—following the precedent of the Irish Land Act, which overrode all contracts and confiscated property in every possible way without compensation—if it intended so to deal with land in this country, the sooner they knew of it the better, and the sooner the State acted honestly in this matter the better. The honest way of dealing, as was suggested by the Member for the Falkirk Burghs, was that the State should say—"We think that the present system of Land Laws is in the interests of the country unsound, and the property on land ought not to be held by individuals. The State can do these things far better than individuals can; and, therefore, we will take the land and compensate them who hold it for the full value." That was a more rational and honest plan of dealing with this question than for Members who had pledged

themselves to their constituencies or to their Party coming to that House with perpetual Land Bills—not that it had been done on this occasion—and, thinking they had a majority on their side, giving in to such wrongful principles of legislation. As regarded the questions of entail, settlement, and cognate subjects, he could understand them being placed under the heading of land legislation. But the present proposal was a distinct matter. Scotland had been brought from a barren moor under a system of free contracts, and all this interference with contract would simply have the effect of making men very careful how they gave these contracts and leases. As for himself, he would rather have his property at a less rent free from these trying, hampering agreements made by the State, than with a nominally larger rent under State supervision and State hatching such as had grown up in Ireland. In Scotland he trusted they should remain free. He should have been perfectly prepared, if the Government had expressed approval of this Bill, to have resisted it; and he thought his hon. Friend opposite would have stood by him in resisting this unnecessary meddling and uncalled for interference for political purposes, in payment, he believed, of political debts incurred at the hustings. Happily, however, the course taken by the Under Secretary of State for the Home Department removed from him the necessity of resisting the measure. He trusted that when the Government came to revise the Land Laws they would not think that that part of the subject required attention—namely, the relation between landlord and tenant, and that freedom of contract which in Scotland and in this country had produced beneficial results to all parties concerned.

Mr. LITTON said, that, as the Irish Land Act had been referred to, he might assure the House that the Irish Land Act had worked very well in Ireland, and he had no doubt but that its principles would find their way into Scotland before long. The principle of that Bill seemed to be a very reasonable one, and its object was to extend the 40 days' notice now given to a two years' notice. It was not fair to allow a man to remain in uncertainty up to almost the last day of his lease, because he might have an opportunity of taking another farm else-

where if he knew in time what the landlord intended to do. In Ireland it was not unusual to find a man in occupation of land before the lease was drawn up, and the tenant would expect to remain in occupation at the expiration of the lease. It was extremely desirable that the tenant should have sufficient notice as to whether he was to remain or not at the expiration of the lease. In his opinion, a two years' notice prior to the expiration of the lease would be a favourable compromise. The noble Lord (Lord Elcho) called the provisions of the Irish Land Bill confiscation.

LORD ELCHO said, that what he meant by confiscation had reference to disturbance—to what was described by the late Sir John Gray as the taking of £8,000,000 from the pockets of one class in order to put it into the pockets of another.

MR. LITTON said, he accepted the explanation of the noble Lord; but if the question of confiscation was to be raised he would be quite prepared to show there was no confiscation. The noble Lord had said that there was in the present Bill an interference with private contract; but he must be aware that, in order to maintain a contract, the parties must stand on an equal basis, and unless the two sides were perfectly independent and free it could not be said that contract was interfered with. In Scotland it might be that the tenant came to his landlord on equal terms. If that were so, he should be inclined to agree with the noble Lord that it was objectionable to interfere with contracts. On the other hand, if the man in possession had to accept a contract under the penalty of removal, or of not obtaining the terms which he would have a fair right to expect, then he should say there was no interference with the contract.

MR. MARK STEWART said, the speech of the noble Lord the Member for Haddingtonshire (Lord Elcho), in his opinion, dealt with a very useful subject; but although he agreed with the principle expressed he did not think it applicable to that Bill. At the present time there were many tenants who did not care to take a lease, and it was not wise on the part of many landlords to ask their tenants to take a lease, but rather, owing to the depression, to let them remain on from year to year. Sup-

pose the Bill were carried, a simple notice of termination of leases would be given, not necessarily binding on the part of the landlord or the tenant. What would be the use of burdening the Statute Book with Bills which would only confuse instead of guiding those who were anxious to take the fair view which the law laid down on those questions. If his hon. and gallant Friend accepted the views of the Under Secretary of State for the Home Department he would do well. He had listened to the debate, and as much opposition had been shown on the Ministerial side as on that of the Opposition. This opposition was not necessarily to the principle of the Bill, because if they came to what amount of notice should be given more than two years were required. In his own part of the country five years were required, if they expected a man to farm as high as was customary; and therefore, as far as this went, two years would not be one whit better than one year. He was quite certain that the more impediments they put to freedom of contract between landlord and tenant, the greater difficulty one had with tenants. He hoped his hon. and gallant Friend would not press the matter to a division, for if he did he was afraid he should have to vote against him—not because he did not agree with the principle that 40 days was too short a period, but because he thought the provisions of the Bill were unnecessary, and, besides, such matters were far better left to the good feeling subsisting between landlord and tenant than to any Act of Parliament.

MR. GREGORY said, he could not see on what principle the law of Scotland required notice of 40 days. It would be much better that it should be understood that the tenancy should terminate upon the expiration of the lease as it did in England.

MR. PARKER said, the noble Lord the Member for Haddingtonshire (Lord Elcho) had informed the House that he was not aware of the existence of the present Bill till he came down to the House that morning. Had he read it more carefully he might not have found it necessary to say so much about confiscation under the Irish Land Act, and interference with freedom of contract. The Bill did not propose to interfere with freedom of contract. But then, said the noble Lord, it was open to other

objections. Notices might be served as a matter of form two years beforehand, leaving the landlord to do as he liked till the last. Well, no doubt, landlords would have a perfect right to do so; and, therefore, he did not attach very much importance to the passing of the Bill. There was one ground, however, on which he would support the Bill. If the law prescribed a term of notice at all it was well that it should correspond to the practice of the best landlords. But the present notice as to renewal had been enacted 300 years ago, when 40 days' notice, no doubt, might be sufficient, considering the method of agriculture in vogue at that time. Now, however, there was a totally different system of agriculture, and it was generally recognized as important that tenants under leases such as prevail in Scotland, and under a system of high farming, should have at least two years' notice as to the renewal of the lease. The Representative of an English agricultural constituency had told them that two years was too long a notice. That, of course, might be debated in Committee; but he thought Scotch Members would be prepared to show that if a time were to be named at all two years were not too much. Where there was uncertainty as to the renewal of a lease, the land was often allowed to fall off in condition, and several years were necessary before it could be brought back to its former state if the renewal was obtained. On that ground he thought it worth while that some such enactment should be placed on the Statute Book as an indication to landlords of the term of notice that tenants might fairly expect. If his hon. and gallant Friend thought it necessary to go to a division he should vote with him; but after the consideration which the Government had promised to the subject he did not think a division was required.

MR. HICKS asked why this Bill stopped short at large farms, and was not extended to holdings of less than five acres in size? He indicated his opinion that great dangers would be incurred in way of interference with freedom of contract.

SIR ALEXANDER GORDON, in reply, said, that a great deal had been said as to the alteration in the law his Bill proposed to effect. He could only say that the law as it stood, declaring

as it did 40 days to be held the legal notice, was an interference with contract. It had been stated that the Bill had been brought in for political purposes. It was very easy to insinuate a motive, because no man could tell another man's motives. He thought, indeed, he had quite as much right to say that the opposition of the noble Lord (Lord Elcho) was due to private interests, as the noble Lord had to say that his action was prompted by political purposes. As to what had been said by the Under Secretary of State for the Home Department about formal notices, he would explain that if such notice were given the land would go out of cultivation. It was the object of the Bill to prevent the tenant receiving formal notice. The landlord who gave a formal notice would thus lose the interest he had in the land; and, therefore, no landlord would give such notice unless he intended to act upon it. He had no wish to put the House to the trouble of a division after the assurance of the Government that they would take the question into careful consideration, and that the result of that consideration would be embodied in a Bill next year. He had not altered his opinion as to the value of the measure in the least degree, although he now consented to withdraw it.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

GUN LICENCE ACT (1870) AMENDMENT BILL.—[BILL 193.]

(*Sir Alexander Gordon, Mr. Pell, Mr. M^cLagan,
Mr. Mark Stewart.*)

SECOND READING.

Order for Second Reading read.

SIR ALEXANDER GORDON, in rising to move that the Bill be now read a second time, said, the object of the Bill was to remove a grievance caused by the Act of 1870, by which a tax was imposed on the guns of those engaged in agriculture. Up to that period occupiers of land in Scotland and Ireland had been free to destroy hares and rabbits, and birds that preyed upon their crops without being taxed; but in that year a proposal was made to alter the game certificates, and a gun licence was imposed on all persons who carried a gun for the killing of these animals. A

Mr. Parker

person might carry a gun and use it for frightening birds or for killing vermin; but if the person killed the birds instead of frightening them he had to pay a tax of 10s. for his gun. Farmers considered this a great grievance. The amount of the tax was not large; but they objected to it on principle. Parliament had not taxed a man's plough or his spade, and a gun was as necessary a tool to the farmer as either the plough or spade. They had no business to tax it any more than any other instrument of husbandry. He believed that if the Government were to remove the gun licence they would increase rather than diminish the Revenue, because many persons took out a gun licence not only because it enabled them to frighten and kill birds, but because under cover of it they killed game and other animals. They thus avoided taking out a game certificate, for which they would have had to pay £3, and so by only taking out a gun licence they saved £2 10s. If they would look at the number of game licences issued this year they would find it was 54,726, from which the Revenue derived £188,980. Gun licences had been issued to the number of 136,257, which brought to the Revenue a sum of £80,701. If they turned to the Returns of the Inland Revenue, they would find that every successive year there were some remarks made upon this point on the evasion of the game certificates by persons who took out gun licences. The Report of this year, for instance, said—

"The increase of game licences since 1871, when the gun licence was imposed, has only been one-fortieth of the total number; but the increase of the gun licence for the same period has been one-third of the total number."

And they went on to say—

"One reasonable inference to be drawn from these facts is that a larger number of persons who wish to shoot game take out only a gun licence, under which they carry their guns about without molestation of the Excise officers or gamekeepers, and accept the risk of being found killing game."

Another year they reported—

"It is impossible to believe that the large number of persons who go out to shoot game take out game licences. Many of them take no more than a gun licence."

It would therefore be seen that if they were to abolish the gun tax the Revenue

would lose nothing, because many persons would be driven to take out a game certificate who now evaded it. Last year this question was brought before the House, and he had hoped that the Government would assent to the principles of the Bill; but it was talked out on that occasion. The chief objector to the Bill on behalf of the late Government was the Chief Secretary for Ireland, Mr. James Lowther, whose memory was blessed by every Irishman. He said, on behalf of the Government, that he could not sanction the Bill, because it would be dangerous to allow Irishmen in Ireland to carry guns, and he would not take upon himself the responsibility of allowing the occupier of land there to have them. So little had that gentleman considered or cared about the subject that he did not know that the gun licence did not prevent a single person keeping a gun in his possession. Every man could have a gun in his house without paying a tax, and he might use it for any purpose he liked other than those he mentioned. It was not until he took it out to shoot birds that he became liable to pay the tax. The Excise officer might see him carrying a gun, but could not touch him if he said his only purpose was to frighten birds. It was only when the Excise officer caught him killing the birds that he forced him to pay the tax. The object of the Bill was to force occupiers of land to protect their crops from injury without the tax; and he expected this year the Bill would receive a more favourable consideration on behalf of the Government than it had last, because they had before them a Bill to enable the tenants to protect their crops from hares and rabbits. This Bill was proposed, therefore, on the same lines as that Bill, and it ought to receive the sanction of the Government. He thought he had shown the tax ought to be removed. In his part of the country they called it a Game Law in disguise, which, in point of fact, it was.

Motion made, and Question proposed; "That the Bill be now read a second time."—(*Sir Alexander Gordon.*)

MR. SEXTON thought it was desirable that occupiers of land should be able to protect their crops without being taxed; but he was not willing that any Bill should pass which would benefit

the people of one portion of the United Kingdom at the expense of the people of another portion. The people of Ireland were now, by the expiration of the Peace Preservation Act, placed in an equal condition with the people of England and Scotland with regard to the carrying of arms; and with the view of preventing that state of things being disturbed by the passing of this Bill he moved that it be read a second time that day three months. If he were assured that the Bill would not prejudice the rights of the people of Ireland as to carrying of arms he would be happy to withdraw his Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Sexton.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. ANDERSON said the hon. Member's speech had been in favour of abolishing the gun tax, and he pretty much agreed with him; he believed the gun tax to be unproductive and useless, and very often evaded. But the Bill was not for abolition by any means. The Bill provided only for exemption, and it proposed such exemptions on the ground that the gun was an agricultural implement. He had never heard a gun called an agricultural implement before. If the hon. and gallant Baronet could make out that the gun was an implement of that kind, perhaps there might be some reason for asking for this exemption; but he did not look upon the gun in that light, and, besides, he did not like exemptions. If there was to be a tax, let it be levied; if it was to be abolished, then let that be done. If the present Bill had been one to abolish the tax he should have supported it; but as it proposed to do no more than create an exemption he should oppose it.

LORD FREDERICK CAVENDISH said, he quite agreed with the hon. Member for Glasgow (Mr. Anderson). He was afraid that in the present state of the finances of the country it would be inexpedient to pass the Bill. The amount of the licence was only 10s. Viewing the danger of all these exemptions, he thought it would be unwise to nibble at that question. If they

dealt with it, let them do so in a comprehensive, and not in a piecemeal, manner.

COLONEL ALEXANDER said, considerable ambiguity prevailed at present as to the law with regard to the right of scaring birds. A case had occurred in his own county in which the decision of one Court had been reversed by another—the decision of the local Court had been overturned by the Court of Quarter Sessions. The case to which he referred was this:—A farmer was prosecuted for killing wood-pigeons. He was told that he had a right to scare these birds, but not to kill them; but his reply was, that he could not scare them without killing them. The local Court, as he had said, decided to inflict a fine; but the farmer, on appeal to the Quarter Sessions sitting at Ayr, got it decided by a majority that scaring birds included killing them. The Board of Inland Revenue was not satisfied with this decision, and announced an intention of appealing to the Court of Session; but at the last moment they abandoned the case. The farmer, however, had spent a considerable sum in the meantime, and that sum with some trouble he had recovered from the late Government. He merely wished to point out the unsatisfactory state of the law. In his opinion, the farmer was quite right in saying that it was impossible to scare the birds without killing them. They did a great deal more harm than hares and rabbits; and he thought, therefore, the law ought to be placed in regard to them on a more satisfactory footing. He could not agree with what the hon. Member for Glasgow had said in reference to the gun tax. Before that tax was proposed, the highways used to be infested with men and boys shooting at birds; but since the Act was passed a very great improvement had been effected.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Law), referring to the observations of the hon. Member for Sligo (Mr. Sexton), said he was not aware that there was now any difference between the law in England and in Ireland as to the right of having or carrying arms.

MR. SEXTON said, in that case he should withdraw his Amendment.

SIR ALEXANDER GORDON also intimated that in consequence of what the

MR. BIRLEY, in supporting the Motion, stated that he fully approved of the proposal that representatives of ratepayers should be associated with the magistrates in the issue or withdrawal of licences of public-houses. Such a scheme was in accordance with constitutional principles, and had been followed long ago in the constitution of the Courts Leet which controlled the ale-houses in feudal times. It was true that during the last 400 years such matters had been left under the direction of the magistracy alone, and he ventured to say that they had conducted the licensing system very well upon the whole. But it had become absolutely necessary to satisfy public opinion in regard to the perfectly reasonable desire that those who were so much interested in the issue or withdrawal of licences should have some share in the management of that which was now intrusted solely to the magistrates. That was the great and leading principle of the Bill which had been adopted by the Church of England Temperance Society, partly in deference to the opinions and views enunciated by the Convocations of the Provinces of Canterbury and York. There was a second part of the Bill which had not been mentioned, but which deserved some attention, for it sought to provide for a fund out of which compensation could be given for the withdrawal of licences in certain cases. He thought that would be found more practicable upon examination than it might appear to be at first, and he believed that the result would be to close many houses of a class which it was generally admitted ought not to exist. He would not detain the House by going into the many other questions of interest which were connected with this Bill; but he trusted the House would assent to the second reading.

MR. MONTAGU SCOTT begged to move, as an Amendment, that the Bill be read a second time that day three months. He wished to explain to the House the reason why he asked them to adopt this course. They had been told by the hon. Baronet who introduced the measure that already two very powerful associations were opposed to the Bill, that the licensed victuallers were opposed to it, and that it was equally opposed by the Good Templars. It was the custom to represent the licensed victuallers

as the friends of intemperance. But they had no interest in being so. On the contrary, in the interest of their business, it was their policy to promote temperance; and he protested against the manner in which they were held up to opprobrium. Because he opposed this Bill he was not to be set down as an advocate of intemperance. There was no man a greater opponent of intemperance than himself, and what he said practised. He was neither a licensed victualler nor a Good Templar. Those whom he represented were all friends of temperance, although they were opposed to the use of coercion to keep men sober. Those, however, who were always meddling and interfering with the comforts of others were the real promoters of intemperance. The Bill was a slight upon, and an insult to, the magistracy of England. The question raised was whether the House had confidence in the magistrates, and whether they had done their duty in the past? ["No, no!"] The two hon. Members who cried "No!" might have no confidence in them; if so, they could not approve of the Bill. But the House had confidence in them, and so had the country. The hon. Member for Manchester (Mr. Birley) had admitted that the magistrates had exercised their functions with discretion and for the good of the public. If so, why were they to be checked by the association with them of elected ratepayers? The magistrates had the greatest interest in maintaining the moral and social well-being of the people, and were not likely to grant licences in any locality where public-house accommodation was not required. From their interviews, too, with their neighbours, they knew who were and who were not fit to be intrusted with such a privilege. They had hitherto exercised their jurisdiction with care and judgment; and therefore it was that he asked the House, by rejecting this Bill, to show that they had still confidence in the magistrates. If the House had not confidence in them, then it ought to do away with them. The House would show its want of confidence in them if it gave the local five assessors chosen out of the ratepayers, without saying whether those elected were to pay rates to the extent of 1s. or £100. The licensed victuallers and brewers were not to be elected; but did the House suppose that

saving them from themselves and getting them on board when otherwise, owing to circumstances beyond their control, they would be likely to break their engagements. He should be glad if the right hon. Gentleman could see his way to insert in his Bill relating to Merchant Seamen's Wages the provision which he had himself proposed, by which a seaman should no longer be exposed to imprisonment for neglecting to join his ship without the option of paying a fine; if the fine were not paid, then let there be imprisonment in default. Experience had taught that it was not an easy thing to deal with the question of discipline in the Merchant Navy. As a great many questions were coming on next year, it would be well to secure this year the boon he had suggested for merchant seamen; and it would not interfere with any further legislation on the subject.

MR. BURT said, that, after the assurance given by his right hon. Friend that he would deal with the subject next year, he begged leave to withdraw the Motion and the Bill. But he thought it would be a good thing if the right hon. Gentleman could embody in his Bill the principle suggested by the noble Lord.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

LICENSING LAWS AMENDMENT BILL.

(*Sir Harcourt Johnstone, Mr. Birley.*)

[BILL 183.] SECOND READING.

Order for Second Reading read.

SIR HARCOURT JOHNSTONE, in moving that the Bill be now read a second time, said, that within the last eight or nine years several attempts had been made to reform our Licensing Laws; but they had failed to supply a proper solution of the question. In 1871, and again in 1872, he and those who acted with him approached Lord Aberdare (then (Mr. Bruce) upon the subject. He proposed similar clauses in the Government Bill; but they met with opposition and were withdrawn. In again introducing the principle, he wished it to be understood that it in no way interfered with the Resolution of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson). On the contrary, while it was supposed to militate against his

views, it actually enlarged the scope of his measure. While the Bill of the hon. Baronet aimed at nothing more than the prohibition of licensed houses in a neighbourhood without the consent of the ratepayers, this measure proceeded on the old lines, and would retain the magistrates, associated with five elected ratepayers, as the tribunal which should determine where and to whom licences should be granted. On the ground, then, that this Bill admitted the principle that the ratepayers should have a voice in the matter, it ought to receive the hon. Baronet's support. It emanated from a highly Conservative body, the Church of England Temperance Association, the same body which two years ago took special care of the inquiry into intemperance before a Committee of the House of Lords, and it was founded upon the recommendations of that Committee. Therefore, so far as the Conservative Members were concerned, the Bill ought to have their fullest support, unless as regarded those who were themselves engaged in the trade. It was unnecessary for him to say that the brewers, the licensed victuallers, and all who were so engaged were vehemently opposed to it. A body known as the Good Templars, great promoters of sobriety, were equally violent in their opposition to it. If, then, it was so thoroughly abused on both sides, the House might be sure there was some good in it. One set of persons blamed it because it went too far, and others because it did not go far enough, all which went to prove that it was a truly moderate measure. There was, no doubt, a strong feeling throughout the country that the ratepayers should have a local option in respect to the granting of licences, and he had in the Bill yielded to that feeling; but, at the same time, he thought it desirable to retain the jurisdiction of the magistrates. With this arrangement the control of the ratepayers would be still as complete as it would be under the Bill of the hon. Member for Carlisle. All, however, that he at present wanted was that the House should affirm the principle of the Bill, which introduced local option in a measure of Conservative reform.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Harcourt Johnstone.*)

Viscount Sandon

MR. BIRLEY, in supporting the Motion, stated that he fully approved of the proposal that representatives of ratepayers should be associated with the magistrates in the issue or withdrawal of licences of public-houses. Such a scheme was in accordance with constitutional principles, and had been followed long ago in the constitution of the Courts Leet which controlled the ale-houses in feudal times. It was true that during the last 400 years such matters had been left under the direction of the magistracy alone, and he ventured to say that they had conducted the licensing system very well upon the whole. But it had become absolutely necessary to satisfy public opinion in regard to the perfectly reasonable desire that those who were so much interested in the issue or withdrawal of licences should have some share in the management of that which was now intrusted solely to the magistrates. That was the great and leading principle of the Bill which had been adopted by the Church of England Temperance Society, partly in deference to the opinions and views enunciated by the Convocations of the Provinces of Canterbury and York. There was a second part of the Bill which had not been mentioned, but which deserved some attention, for it sought to provide for a fund out of which compensation could be given for the withdrawal of licences in certain cases. He thought that would be found more practicable upon examination than it might appear to be at first, and he believed that the result would be to close many houses of a class which it was generally admitted ought not to exist. He would not detain the House by going into the many other questions of interest which were connected with this Bill; but he trusted the House would assent to the second reading.

MR. MONTAGU SCOTT begged to move, as an Amendment, that the Bill be read a second time that day three months. He wished to explain to the House the reason why he asked them to adopt this course. They had been told by the hon. Baronet who introduced the measure that already two very powerful associations were opposed to the Bill, that the licensed victuallers were opposed to it, and that it was equally opposed by the Good Templars. It was the custom to represent the licensed victuallers

as the friends of intemperance. But they had no interest in being so. On the contrary, in the interest of their business, it was their policy to promote temperance; and he protested against the manner in which they were held up to opprobrium. Because he opposed this Bill he was not to be set down as an advocate of intemperance. There was no man a greater opponent of intemperance than himself, and what he said practised. He was neither a licensed victualler nor a Good Templar. Those whom he represented were all friends of temperance, although they were opposed to the use of coercion to keep men sober. Those, however, who were always meddling and interfering with the comforts of others were the real promoters of intemperance. The Bill was a slight upon, and an insult to, the magistracy of England. The question raised was whether the House had confidence in the magistrates, and whether they had done their duty in the past? ["No, no!"] The two hon. Members who cried "No!" might have no confidence in them; if so, they could not approve of the Bill. But the House had confidence in them, and so had the country. The hon. Member for Manchester (Mr. Birley) had admitted that the magistrates had exercised their functions with discretion and for the good of the public. If so, why were they to be checked by the association with them of elected ratepayers? The magistrates had the greatest interest in maintaining the moral and social well-being of the people, and were not likely to grant licences in any locality where public-house accommodation was not required. From their interviews, too, with their neighbours, they knew who were and who were not fit to be intrusted with such a privilege. They had hitherto exercised their jurisdiction with care and judgment; and therefore it was that he asked the House, by rejecting this Bill, to show that they had still confidence in the magistrates. If the House had not confidence in them, then it ought to do away with them. The House would show its want of confidence in them if it gave the local five assessors chosen out of the ratepayers, without saying whether those elected were to pay rates to the extent of 1s. or £100. The licensed victuallers and brewers were not to be elected; but did the House suppose that

the licensed victuallers would not take an active part in the election so as to secure the return of their own friends, so that there would be an agitation kept up all the year round? And if they succeeded, would not they be more anxious for the granting of licences than the magistrates were at present? The magistrates had no special inducements to grant licences. They were residents in the districts, and had due consideration for their families and neighbours; and it was an advantage that they were not dependent upon popular election, so that they were not unduly influenced by the popularity or unpopularity of granting or withholding a licence. He should not complain then that the trade was to be harassed; every trade was harassed, and every interest, every landed proprietor, and every country gentleman, by those hon. Gentlemen opposite, who were never happy unless they were harassing somebody. The hon. Member was still speaking, when——

It being a quarter of an hour before Six o'clock, the debate stood adjourned till *To-morrow*.

PARLIAMENTARY OATH (MR. BRADLAUGH).

Report from the Select Committee, with Minutes of Evidence, *brought up*, and read.

MR. WALPOLE: In moving. Sir, that this Report lie upon the Table, it may be convenient to the House to know that the proceedings of the Committee were somewhat complicated as well as the evidence, and that although the evidence is not very long, it will require probably some little time to complete. I do not think it will be completed before Friday morning; consequently, in case any action is taken on the Report of the Committee, it may be convenient for hon. Members to know how soon the proceedings of the Report will be in their hands. This will be either on Friday morning or Friday afternoon.

MR. LABOUCHERE: After what has fallen from the right hon. Gentleman, I beg leave to give Notice that I shall defer my Motion that Mr. Bradlaugh be allowed to Affirm until Monday next.

Motion agreed to.

Report to lie upon the Table, and to be *printed*. [No. 226.]

Mr. Montagu Scott

MOTIONS.

JURORS' REMUNERATION BILL.

On Motion of Mr. H. B. SHERIDAN, Bill for the remuneration of Jurors, *ordered* to be brought in by Mr. H. B. SHERIDAN, Sir HENRY JACKSON, Mr. BURT, Mr. O'CONNOR POWER, Mr. PASSMORE EDWARDS, and Mr. JOSEPH COWEN.

Bill presented, and read the first time. [Bill 223.]

COUNTY BRIDGES BILL.

On Motion of Mr. BEAUMONT, Bill to make provision for borrowing in respect of certain County Bridges, *ordered* to be brought in by Mr. BEAUMONT, Sir MATTHEW RIDLEY, and Colonel KINGSCOTE.

Bill presented, and read the first time. [Bill 226.]

MERCHANT SHIPPING ACT (1854) AMENDMENT BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend "The Merchant Shipping Act, 1854."

Resolution reported:—Bill *ordered* to be brought in by Mr. GOURLEY, Mr. CHARLES WILSON, Mr. JENKINS, and Mr. JOSEPH COWEN.

Bill presented, and read the first time. [Bill 224.]

STATUTES (DEFINITION OF TIME) BILL.

On Motion of Dr. CAMERON, Bill to remove doubts as to the meaning of expressions relative to Time occurring in Acts of Parliament, deeds, and other legal instruments, *ordered* to be brought in by Dr. CAMERON, Mr. DAVID JENKINS, and Mr. ERRINGTON.

Bill presented, and read the first time. [Bill 225.]

BIRTHS AND DEATHS REGISTRATION (IRELAND) BILL.

Select Committee on Births and Deaths Registration (Ireland) Bill *nominated*:—Mr. MELDON, Sir HERVEY BRUCE, Mr. SOLICITOR GENERAL for IRELAND, Mr. GIBSON, Dr. LYONS, Mr. MACARTNEY, Mr. ERRINGTON, Mr. FITZPATRICK, Mr. DALY, Mr. TOTTENHAM, Mr. BROOKS, Mr. SEVERNE, and Mr. FOLEY:—Five to be the quorum.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 17th June, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—
Local Government (Gas) Provisional Order *
(87).

Third Reading—Settled Land * (81); Convey-
ancing and Law of Property * (82); Drain-
age and Improvement of Lands (Ireland)
Provisional Order * (77); Glebe Loan Acts
(Ireland) Amendment * (84), and *passed*.

TURKEY—THE OTTOMAN ASSEMBLIES.

MOTION FOR THE INSTRUCTIONS TO
MR. GOSCHEN.

LORD STRATHEDEN AND CAMP-
BELL: My Lords, it may be useful to
enumerate the circumstances which seem
to justify the Notice I have given, to call
attention to the revival of the Ottoman
Assemblies in connection with the Special
Embassy to Constantinople; and to move
an humble Address to Her Majesty that
a Copy of the Instructions to Mr. Goschen
be laid upon the Table. Although a
few days ago the present aspect of the
Eastern Question was rather copiously
discussed by Members of the House well
qualified to handle it, not one alluded to
this important chapter of the subject.
If a stranger had come into the House,
and listened with avidity, as I did, to so
many competent instructors, he would
not have discovered that these Assem-
blies had existed, or that a grave event
had dropped a curtain on their action.
The answer of the noble Earl the Leader
of the House, towards the end of May,
as it appeared to me, was little calcu-
lated to assure the House that the Special
Embassy had been directed to revive
them. In the meanwhile, two of the
most recent and distinguished travellers
from Constantinople—Sir William Gre-
gory and Mr. Lawrence Oliphant—have
borne witness in the public journals to
the necessity of that line which I should
urge your Lordships to insist upon. The
language of Sir William Gregory is more
remarkable on this account. He was
known in the House of Commons not
only as among the first of Irish debaters,
but as a special patron of the non-con-
forming races in the Ottoman Dominion.
In this very letter, while he deprecates

undue hostility to Russia, he maintains
that these political Assemblies ought to
be revived, however much that Power
may oppose the consummation. On both
points the expressions of Mr. Lawrence
Oliphant are almost identical in sub-
stance.

My Lords, it might be a remedy to
some misapprehensions to bring before
the House a short narrative of the mode
in which the Ottoman Assemblies were
established, and of the destiny they
suffered. If my version is erroneous, the
noble Lords who spoke the other night
may contradict it or correct it. Al-
though no statement is more reckless
than a statement too familiar in the
House, that since the Crimean War there
had been no improvement in the Otto-
man Administration, it is certain that
great abuses existed under Abdul Aziz,
of which Christians and Mahometans
were equally the victims. In 1875 Con-
stantinople wore a melancholy aspect,
which might recall the darkest sketches
of St. Simon or of Tacitus, when they
unfold the daily march of arbitrary
power. Even before that time, among
the first men of the Sublime Porte there
was a firm conclusion that Assemblies of
some kind were indispensable. Not only
Midhat Pasha, well known to your Lord-
ships from his exile in this country, but
Khalil Cherif, once Ambassador at Paris
and nephew of the former Khedive,
Hussein Avni, who was afterwards assas-
sinated, and others I might mention were
impatient for this object. In the spring
of 1876 the movement of the Softas
brought about the downfall of the Grand
Vizier and the deposition of the Sultan.
Arbitrary rule was overcome decidedly
and bloodlessly. From that moment
some kind of Constitution was inevitable.
Large masses do not enter into union
and expose their lives to hazard, merely
to change the person of the despot and
put another individual at the head of
the system they conspired to overthrow,
after a long struggle with fear, with in-
dolence, with loyalty, which must oppose
themselves to such an enterprize. From
that moment, therefore, some kind of
Constitution was in embryo. There was
nothing very tardy in the parturition.
The Sultan Abdul Aziz fell in the sum-
mer of 1876. At the close of that year
the new Assemblies were established.
In the early months of 1877 their vigour
was demonstrated. It only remains to

see in what manner they were doomed to perish. When the Sublime Porte had gone through this remarkable transition, it is quite true that they were not prepared to acquiesce in the decisions of the Conference which General Ignatieff seemed to them to have originated. Their objections were elaborately, as many think unanswerably, stated. No rejoinder followed. A Russian Army crossed the Pruth in April 1877, avowedly to enforce the propositions which the Conference had settled. When that Army reached San Stefano, at the end of 1877, the Ottoman Assemblies were deliberating. They were closed by military fiat, and have never since been opened. A retrospect of this kind is the only mode of dealing with the fallacy that these institutions were extemporized for nothing except to parry the legitimate demand of virtuous negotiators.

My Lords, it may now be proper to remark upon the objects which demand a revival of the Assemblies overthrown, either in a form identic or amended. Although far from the gravest point, the question of the Greek Frontier bears upon the subject. The Sultan is placed in a dilemma, from which nothing but a co-ordinate Assembly can release him. The demand which certain Powers have addressed, or are preparing to address, to him is one to which no arbitrary Sovereign can lend himself. He is asked to give up territory for which he is accountable to 30,000,000 subjects, to Mahometan opinion, to succeeding generations. He is not asked to give it up as a mode of solving any European difficulty. He cannot guide his conscience by the principle of making sacrifices for the general tranquillity of nations. The aggrandizement of Greece may be a benefit to Greece; it may be even a benefit to Thessaly, or any region to be possibly annexed to the Hellenic Kingdom; but it involves no gain of any kind to Europe. The Sultan, therefore, cannot venture to initiate the course demanded of him. A Parliament, if it existed, might canvass it, and possibly indorse it. The responsibility would be diluted. The Head of the State would no longer find himself in the almost iniquitous dilemma of being forced to alienate exacting Powers, or else to place his Throne and life in jeopardy that he may satisfy and humour them.

Lord Stratheden and Campbell

But there is something to which the House may, perhaps, attach more weight than the Greek Frontier. That question is not so grave as it appears, since, although it tends to rupture between the States concerned, the war may be averted by the greater forces on which either is dependent. All enlightened statesmen must be anxious to retard the disintegrating movement in the territory of the Sultan until they have arrived at novel combinations, which it is harder now than it has been at any former period to realize. We see the growth of that disintegrating movement in Albania. We see it on the Balkans. A Parliament in which every race may find a voice, and every discontent the opportunity of utterance, tends a good deal to the cohesion of an Empire so distracted. In Austria it has eminently been a manner of facilitating union. So much is it the case, that those regions which at given moments have effected separation—such as Bohemia and Galicia—have been inclined to avoid it and withdraw their Representatives. To establish at Constantinople a body privileged to speak upon and remedy disorders is an obvious method of assuaging the propensity to fly in all directions from the centre, which may surprise the world into hostilities.

But, if we may judge from what took place on Friday last, the same conclusion may be based upon a ground more interesting to your Lordships. The whole atmosphere of Western Europe is charged with the idea that certain Ottoman reforms are indispensable. Before 1877 the condition of the Empire was alarming. It is now materially graver. Taxation has become more necessary to impose—more difficult to levy. Large armies are unpaid, and thus reduced to the necessity of brigandage. Around Constantinople discipline can hardly be maintained in the interior of barracks. The inhabitants of Pera, where all the European Embassies are placed, appear to be unable to leave their houses after nightfall. The houses themselves are an imperfect refuge from the violence the war has left behind to prey upon the capital. So much may be inferred from local correspondence. Our own Blue Books are full of gloomy pictures, both in Europe and in Asia. It is seen that the new organization of East Roumelia has been utterly disastrous.

The oppression to which Mahometans are now exposed, without the slightest provocation, surpasses the atrocities which led to so much ferment in this country, but which, at least, were traced to insurrectionary movement. In Armenia no form of discontent or misgovernment is wanting. The functions of Baker Pasha and the *gendarmerie* are unhappily suspended. On all these subjects, Major Trotter, Consul Mitchell, Vice Consul Biliotti, are authoritative witnesses. Their evidence is crowned to-day, by a despatch from Sir Henry Layard of April 27th, which must be known already to considerable numbers. The result is, that Great Britain is impelled to use the language of remonstrance. In a despatch of May 6th, which your Lordships may have also seen to-day, the Foreign Office have employed it. Such language, however just, however good, in its intention, is entirely inadequate. We did not act as a defending, and have, therefore, little weight as an admonitory, Power, as it is only through defence that we have any title to admonish. Besides, as it appears to me, although the question may admit of being debated, you can only act on distant Provinces by acting on Constantinople. It is scarcely possible to form enlightened institutions at Bagdad, and leave unchecked venality at Stamboul. The only method is to limit arbitrary power, and with it arbitrary outlay. No doubt, the same conclusion may be based on larger and more speculative arguments. But the language of Sir Henry Layard, which the House has seen this morning, is so authoritative in favour of this measure that I will not pursue the subject as I might have done. It might only weaken the impression he has made upon your Lordships.

At the same time, it may be necessary to offer some reply to the objection pertinaciously resorted to and founded upon one despatch of the noble Marquess who presided lately at the Foreign Office (the Marquess of Salisbury). A few weeks ago, in answer to a Question, the noble Earl the Secretary of State thought proper to revive it. I once had occasion to remark that the despatch may be interpreted in a different way from that which has been usual. It would be easy to contend that, in the light of subsequent events, it may be

wholly disregarded. The despatch is founded on conjecture, and could not have another basis, as it was written before the Assemblies had begun to operate. But the conjectures of the greatest minds are not an answer to experience and trial. The noble Marquess reasoned *a priori*. He could do nothing else. Sir Henry Layard, a short time after, reasoned upon evidence, and, reasoning on evidence, pronounced in favour of the system the noble Marquess is supposed to have disparaged. How is it that the noble Lords, who bow so readily to the impressions of the noble Marquess on what he did not see at work, defy the language of Sir Henry Layard, who was able to remark its tendency and character, and who in several despatches of 1877 became a witness of its benefit? It is not a question between two rival critics, which might be an invidious one. It is a question between the previous estimate of one mind, and the actual observation of another. But Sir Henry Layard was not alone in his conclusion. The Greek Patriarch endorsed it. After the Assemblies had been sitting, and when Russia crossed the Pruth, the Greek Patriarch diffused a solemn Manifesto—it is in our Blue Books—to protest against the march of the invader, to vindicate the Sultan, and to proclaim his strong appreciation of the Charter which had recently been granted. It is no reproach to the noble Marquess if his speculative judgment is outweighed by the experimental verdict of the Ambassador and Patriarch together. Indeed, the criticism of the noble Marquess may have been thoroughly well founded, so far as it showed that the new Assemblies would require a modifying process. All Constitutions are imperfect at their outset. The world, it would appear, is more successful in mechanical discovery than in political contrivance. The Parliament of Great Britain had to go through various developments, and was not matured by Simon de Montfort, who is popularly mentioned as its founder. The Prussian Chambers were erected on the basis of a provincial system, which had been the only check upon Monarchical ascendancy. Austria, emerging from an arbitrary government so recently as 1848, has gone through several organic changes before the present system was arrived at. According

to the ordinary estimate, France has gone through 14 Constitutions between 1789 and that of M. Wallon, which is still enduring. Besides, although under the direction of Lord Palmerston, who was the author of that policy, Great Britain has advanced and multiplied Assemblies in the world, she has never yet presumed to dictate their form, to organize their attributes, or regulate the manner of electing them. Her aim has been confined to the encouragement of institutions by which arbitrary power would be limited and Ministerial responsibility created. It is now beyond all question that the Chambers initiated by the Sultan were tending to these desirable results.

It remains, however, to consider by what line of action can the Assemblies be set up again. It seems to me that Sir William Gregory and Mr. Lawrence Oliphant are justified in their impression that it is impossible for Russia to favour a revival of the system she has lately overthrown and previously discouraged. It would militate against her influence upon the Bosphorus. It would endanger the stability of the despotic régime she adheres to in her territory. It would render nugatory, to a great extent, the waste of armies and expenditure of millions, to say nothing of the formidable hazards by which the process was accompanied. It follows, that a Prime Minister who hugs himself in the idea—however conscientiously—of a European concert, in which Russia would preponderate, as an agency for dealing with the clouds and problems of the East, can hardly take a step towards the consummation I have pointed to. He is himself the obstacle to such a consummation being arrived at. It is partly upon that account I do not ask the House to adopt a Resolution in favour of the measure I have touched upon; but, with a view to make the situation more intelligible, and thus to guide ulterior proceedings, shall move an humble Address to Her Majesty that the Instructions to Mr. Goschen may be laid upon the Table.

Moved, "That an humble Address be presented to Her Majesty for Copy of the Instructions to Mr. Goschen."—(*The Lord Stratheden and Campbell*.)

EARL GRANVILLE: A copy of the instructions to Mr. Goschen has al-

Lord Stratheden and Campbell

ready been presented to the House. I did so on Tuesday last, in accordance with the promise I gave that as soon as we learnt the Identical Note of the Powers had been presented to the Porte those instructions should be laid on your Lordships' Table. I do not know that I have anything to say on the statement just made by the noble Lord. It has frequently been my misfortune not to agree with him on the different stages of the Eastern Question; but I am glad on this occasion to have heard from him arguments in favour of the re-assembling of the Ottoman Parliament at Constantinople, because the instructions which we have given to Mr. Goschen are to use his best efforts towards the attainment of that object.

Motion (by leave of the House) *withdrawn*.

INSTRUCTION IN AGRICULTURAL SCIENCE.

QUESTION. OBSERVATIONS.

THE MARQUESS OF HUNTLY rose to call attention to the Sixth Report of the Commissioners of the Exhibition of 1851, which recommends the establishment of

"Scholarships for the purpose of aiding the development of scientific culture and technical training in the manufacturing districts of the country,"

and to ask the Lord President of the Council, Whether he will consider the propriety of giving similar encouragement for instruction in agricultural science? The noble Marquess said, it appeared from the last Report of the Commissioners of 1851 that a very large sum of money belonging to the Commissioners was in their hands which they proposed to devote to certain purposes, and one of the purposes to which they proposed to devote it was to establish a number of Scholarships for the purpose of developing scientific culture and technical training in the manufacturing districts. He thought that out of the large sums of money belonging to the Commissioners—amounting, he believed, to more than £1,000,000—some might be devoted to the development of agricultural teaching as to the instruction of science in other branches of trade and manufactures. He asked the Lord President of the Council that Scholarships should be extended to the teachers and

students of agriculture. The other Question he had to ask of the noble Lord was, Whether the Science and Art Department proposed to repeat this summer the course of instruction to teachers of agricultural science? A Question was asked last year with reference to the class formed by the Science and Art Department, which produced from the noble Duke (the Duke of Richmond and Gordon) a statement showing the great increase in the number of students who came up year after year to pass a course of agricultural science. The statement made by the noble Duke was to the effect that a course of instruction in the principles of agriculture was being given to teachers of agricultural science at South Kensington. He believed he was rightly informed that those teachers were the first to whom any instruction had been given at South Kensington. He considered it of the utmost importance that such instruction should be given, for it was of no use having teachers in the agricultural districts unless they were able and capable of teaching the rudiments of agricultural science. It was rumoured that it was not intended to continue the instruction at South Kensington this year. If that was so, he could only assure the Lord President of the Council that it would cause very great disappointment in the rural districts. There was no use having an agricultural class in rural districts without having a qualified teacher. He understood that the number of teachers who desired to attend the course of instruction at South Kensington last year was greater than there was room for, and that more than 60 were refused admission. It was well known that utter ignorance of agricultural chemistry was displayed by many farmers, and that there was a great waste of money in consequence.

EARL SPENCER wished to assure the noble Marquess that this subject was one in which he felt a very deep interest. He thought it was a matter of great importance to agriculturists in this country. As to the first part of the Question, which related to the Commissioners of the Exhibition of 1851, he would point out that the large sum of money which was alleged to belong to that Body had not yet been realized by them. In fact, the Commissioners had no funds at their disposal at present to

to carry out any scheme which they looked forward to adopting in the future. In the Report to which the noble Marquess alluded, the Commissioners stated that they wished to found Scholarships for science in different parts of the country, and they hoped still at some future day to carry out that part of their scheme; and if they did, he felt assured that they would take agriculture into consideration along with other matters. With regard to the part of the Question referring to the Science and Art Department, he wished to say that last year his noble Friend who preceded him in Office laid on the Table a statement with respect to what had been done in the Department, and he would shortly refer to it. Since 1875 the Department had made payments in aid of instruction in agricultural science. In 1875-6 there were 150 students examined; in 1876-7, 800; in 1877-8, 1,265; and 1878-9, 365 for England, 177 for Scotland, and 1,651 for Ireland. That would show that the Department was fully alive to the importance of this subject, and that they had used their exertions throughout the country to have it considered. There could be no more important matter than this application of science to agriculture. Great attention had of late years been very properly called to the great aid which science gave to the various classes of manufacturers and producers; and that principle applied with quite as great force to agriculture as to any other art. This was especially the case at the present moment, when the country was inquiring very narrowly into the whole subject of agriculture. His noble Friend had proposed that the Commission should inquire into the subject, and he had no doubt that the Commission would consider this a subject to which it should give proper weight. If science would enable the agriculturists of this country to produce more from the land, by improving their appliances, than they had hitherto done, science would add another to the many great services it had rendered to us. With regard to the classes for agricultural science, he might say that last year 60 persons had applied to be permitted to avail themselves of the benefits offered by those classes, and that in no case had such an application been refused. It had been decided by the Department, in consequence of the pressure for accommodation for science

classes and for instruction in various branches, not to have a special class for agricultural science this year, seeing that botany, geology, and chemistry, which were so intimately connected with agriculture, were taught separately. But since he had been in Office the matter had been brought under the attention of the Department again, and he had looked into the matter. He wished to announce that certain relaxations would be allowed, and that teachers might be able to earn result payments next year, on condition that after next year every teacher must have his certificate; and, lastly, considering the very great interest that had been felt on this subject throughout the country, the Department had now decided that a class for agriculture should be held this year, and that class would be held in August.

THE PARKS (METROPOLIS)—FREE SEATS.—QUESTION.

LORD ORANMORE AND BROWNE asked Her Majesty's Government, Why there are not a larger number of free seats in Hyde Park and Kensington Gardens, as in Battersea and other public Parks? He could not see why the public should not have the privilege of sitting down in these Parks without having to pay for it. The poorer classes on Sunday were specially incommoded by such an arrangement.

LORD SUDELEY admitted the desirability of there being a large number of free seats provided for the use of the public, and assured the noble Lord that the Board of Works had given great attention to the subject. The noble Lord was mistaken in supposing that there were more free seats in Victoria and Battersea Parks than there were in Hyde Park and Kensington Gardens, although, perhaps, they did not make quite so much show in the latter as in the former. Between the Victoria Gate and the Marble Arch there were no fewer than 52 large seats, and the other parts of the Park were provided in a similar proportion. During the last five years 81 new large free seats had been placed in Kensington Gardens, being an average of 16 yearly, and 65 in Hyde and St. James's Parks, an average of 13 yearly; while during the present year, 22 additional large seats would be placed

in Kensington Gardens and 31 in Hyde Park. He trusted that the noble Lord would consider that this was a sufficient provision, for the time at all events. They proposed to continue adding largely to these numbers every year.

LORD ORANMORE AND BROWNE remarked, that Hyde Park being so much larger than the other Parks, it was a singular calculation to supply it only with about the same number of seats, in a given time, as the other Parks.

House adjourned at a quarter past Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 17th June, 1880.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Common Law Procedure and Judicature Acts Amendment * [229]; Municipality of London * [228].
Second Reading—Relief of Distress (Ireland) Act (1880) Amendment [205].
Referred to Committee of Selection—Local Government Provisional Orders (Fleetwood, &c.) * [199].
Committee—Local Government Provisional Orders (Fleetwood, &c.) * [199], *discharged*; Limitation of Costs (Ireland) * [149]—R.P.
Report—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 2) * [187]; Gas and Water Orders Confirmation * [176].
Considered as amended—Local Government Provisional Orders (Abingdon, &c.) * [129].
Third Reading—Local Government (Highways) Provisional Order (Salop) * [124], and *passed*.

CONTROVERTED ELECTIONS.

Mr. SPEAKER informed the House, that he had received from Mr. Justice Denman and Mr. Justice Lopes, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the trial of Election Petitions, a Certificate and Report relating to the Election for the City of Canterbury:

CANTERBURY ELECTION.

Parliamentary Elections Act, 1868.

To the Rt. Honble.

The Speaker of the House of Commons.

We, the Honble. George Denman, and Sir Henry Lopes, knt., Judges for the trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 14th day of June 1880, and the two following days, we duly held a Court at Canterbury for the

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trial of, and did try, the Election Petition for the Borough of Canterbury between Henry Alexander Munro Butler Johnstone, Petitioner; and the Honble. Alfred Erskine Gathorne-Hardy, and Robert Peter Laurie, Respondents.

And, in further pursuance of the said Act, We certify that we determined that the said Respondents were not duly elected and returned, and that the said Election is void. And we hereby certify in writing such our determination to you.

And whereas charges were made in the said Petition of corrupt practices having been committed at the said Election, we, in further pursuance of the said Act, report in writing to you as follows:—

1. That no corrupt practice was proved to have been committed by or with the knowledge or consent of any Candidate at the said Election.

2. That the following persons were proved at the trial to have been guilty of corrupt practices, that is to say, of bribery at the said Election:—

Thomas Washington Davey.
John Munns.
William Mount.
George Bass.
Edwin Bateman.
Thomas Dobson.
George Hart.
Thomas Holttum.
Thomas White.
Henry Link.
Edwin Williams.

3. That we have reason to believe that corrupt practices extensively prevailed at the Election to which the said Petition relates.

In witness whereof we hereunto set our hands this 16th day of June 1880.

GEORGE DENMAN.
HENRY C. LOPES.

And the said Certificate and Report were ordered to be entered in the Journals of this House.

QUESTIONS.

TURKEY—THE DANUBE AND BLACK SEA RAILWAY COMPANY.

MR. MELLOR asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to the following facts: that, some time before the Treaty of Berlin, a special tribunal was appointed by the Turkish Government to arbitrate between that Government and the Danube and Black Sea Railway Company; that this tribunal, in January 1879, made an award against the Turkish Government, by which award that Government was required to pay a sum, now amounting to £160,000 to the Danube and Black Sea Railway Company in respect of work

done for and wrongs committed by that Government in violation of the Company's conceded rights, and was also required to restore to the Company valuable lands and quays, of which the Company had been forcibly dispossessed; whether the Turkish Government not having paid this amount, and being no longer in possession of territory in which the line is situated, the Roumanian Government is not now, by virtue of Article 51 of the Treaty of Berlin, liable to pay the amount awarded and to restore to the Company the lands and quays; and, whether he will communicate with the Special Ambassador at Constantinople and also the British Minister at Bucharest on the subject?

SIR CHARLES W. DILKE: Sir, the facts in this case are correctly stated by the hon. Member (Mr. Mellor) in his Question. The subject is one which has repeatedly engaged the attention of Her Majesty's Government, and very urgent representations have been made to the Roumanian and the Turkish Governments to induce them to come to an arrangement between themselves for a satisfactory award, leaving any question as to the liability of Roumania in respect of these particular items for subsequent adjustment. Both the Roumanian and the Turkish Governments have remained inactive in the matter, notwithstanding the continuous efforts of Her Majesty's Government. Within the last few days the Representatives of Her Majesty's Government at Constantinople and Bucharest have been instructed to make fresh representations, and if both Governments continue to decline to touch the matter, Her Majesty's Government will have to seriously consider what other steps shall be taken to secure the just rights of the Railway Company and the observance of the 21st Article of the Treaty of Berlin.

INDIA (FINANCE, &c.)—DUTIES ON SALT.

MR. WILBRAHAM EGERTON asked the Secretary of State for India, Whether his attention has been directed to the fact that differential Duties of about £1 a ton are now levied in Bengal on English salt, as against the Excise manufactured salt of the Bengal coast, and the salt of the Sambuhr Lake and adjoining sources; whether this is

not contrary to the arrangement made by Sir Charles Wood in 1862 that English salt should have fair play in Bengal; and, whether he will endeavour to remedy this state of things so unfavourable to the English salt trade, and urge upon the Indian Government the equalisation of the Duties on salt in the Bengal Presidency?

THE MARQUESS OF HARTINGTON: Sir, some unofficial correspondence has taken place between Mr. Palk, the Chairman of the Cheshire Chamber of Commerce, and the India Office respecting the grievance of which that Chamber complains. Mr. Palk has been asked to embody those alleged grievances in a formal Memorial; and on receiving the document it will be forwarded to the Government of India, with a despatch asking them to give the matter their due consideration, and to state their opinion upon it. Until the reply is received I am unable to communicate further with the hon. Member.

THE CENSUS—LEGISLATION.

MR. HUBBARD asked the First Lord of the Treasury, When the Government propose bringing in the Census Bill; and, whether it will be uniform in its provisions for the United Kingdom and require a return of the religious profession of the people?

MR. GLADSTONE in reply, said, his right hon. Friend near him had given the best answer in his power, though one which certainly was not very definite, on the subject a short time ago. He was sorry to have to add that he could not even then positively state when the Bill would be brought in, as it was necessary to make progress with other Public Business. The Government had no intention of including in its provisions one providing for the taking of a religious Census, and intended to follow the course which had been pursued on previous occasions in England.

MR. HUBBARD said, he understood a religious Census was taken in Ireland.

MR. GLADSTONE: It was so.

H.M.S. "ATALANTA."

MR. CARBUTT asked the Secretary to the Admiralty, Whether his attention has been called to a letter in the "South Wales Daily Telegram," purporting to

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be a copy of a letter received from one of the crew of H.M. ill-fated ship "Atalanta," dated from Barbadoes; and, if so, whether the statement that part of the crew mutinied, that six of them had been put in irons, and that one man received twenty-four lashes with the cat-o'-nine-tails, is correct; and if he can state the cause of the mutiny?

MR. SHAW LEFEVRE: Sir, the statement contained in the letter referred to by the hon. Member appears to have been only partially true. From the quarterly punishment Returns of the *Atalanta*, it appears that on the 26th of December last a young seaman was awarded corporal punishment for endeavouring to incite mutiny on the lower deck in calling on others to come aft and forcibly release a prisoner from irons. Only one man was in irons at the time, and no other men were punished for the same offence. There is no mention of the matter in Captain Stirling's letters from Bermuda, and his report at the close of the quarterly punishment Return, dated December 31, was, "The general conduct of the crew and training draft has been very good."

THE ROYAL COMMISSION ON AGRICULTURE.

MR. JAMES HOWARD asked the Financial Secretary to the Treasury, Whether he is in a position to state what has been the cost incurred by the Royal Commission on Agriculture to the end of last month, or if he can give the approximate cost?

LORD FREDERICK CAVENDISH: Sir, the total disbursements on account of the Royal Commission on Agriculture down to the 31st of May last amount to £7,078.

THE IRISH LAND ACT—SMALL OWNERS.

MR. MOLLOY asked the First Lord of the Treasury, If it be the intention of Her Majesty's Government to give effect to the proposals contained in the Draft Report of the Secretary to the Admiralty, proposed by him as Chairman of the Select Committee of 1878 on the Irish Land Act of 1870, and which proposals are contained in paragraph 95 of said Draft Report, and are as follows:—

"That, in the present state of land ownership in Ireland, it is desirable that facilities should be given by the State for the conversion of tenancies into ownerships by purchase; that the increase of small owners would tend to give stability to the social system, would spread contentment and loyalty, and would give a spur to industry and thrift."

MR. GLADSTONE; Sir, I am not quite sure whether I understand the Question of the hon. Member (Mr. Molloy) as referring to the present period or as referring to a future period. It is undoubtedly our desire to propose legislation in accordance with the general view taken in the passage which the hon. Member has cited from the Report of the Select Committee. We are of opinion it is of great importance for the welfare of Ireland that Parliament should effect everything that is practicable in that respect. Indeed, among the first subjects we considered after the formation of the Government we made inquiry into this matter; and it was only because we found it would be too complex a subject for legislation during the present Session that we were obliged so far to postpone the attempt to give effect to our intentions.

THE SCIENCE AND ART MUSEUM, DUBLIN.

MR. FOLEY asked the Vice President of the Council, Whether any and what arrangements are being made to proceed with the erection of the "Science and Art Museum" in Dublin; to whom the architectural plans of the proposed new buildings will be submitted for approval before they are adopted; whether architects resident in Ireland will have an opportunity of submitting plans for competition; and, if contractors who carry on their business in Ireland will have a like opportunity of competing for the erection of the proposed buildings, or whether it is intended by the Commissioners of the Board of Public Works in Ireland to erect the buildings according to their own plans and staff?

MR. MUNDELLA: Sir, in answer to the first part of the Question of the hon. Member, I beg to say that the only arrangements made for the erection of the Science and Art Museum in Dublin are the settlement of the preliminaries with the Royal Dublin Society for the removal of their Agricultural Depart-

ment. In answer to the remaining portion of the Question, I may say that the question of the preparation of plans and the employment of architects and contractors rests with the Board of Works in Dublin, subject to the approval of the Treasury. The Education Department has nothing to do with that part of the subject.

THE ARMY (INDIA)—ORGANIZATION AND EXPENDITURE.

MR. ERNEST NOEL asked the Secretary of State for India, Whether the Report of the Special Commission presided over by Sir Ashley Eden, to inquire into the organization and expenditure of the Army in India will be laid upon the Table of the House?

THE MARQUESS OF HARTINGTON, in reply, said, that the Report had been received at the India Office. It was accompanied by a military despatch from the Government of India, dated the 4th of February, 1880, in which they expressed a hope that they would shortly be able to state their conclusions on the Report to the Home Government. That further explanation had not, however, been yet received; and until the views of the Government of India were in the possession of the Secretary of State for India, and until some decision had been formed as to the action to be taken upon the Report, it would not be possible for him to lay the Report on the Table of the House.

NATIONAL SCHOOL TEACHERS (IRELAND).

MR. METGE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the intention of the Government to mitigate the action of the rule by which the salaries of assistant teachers of the National Schools (Ireland) have, in certain cases, been withdrawn, owing to the low average attendance of scholars consequent on the prevailing distress, the assistant teachers being entirely dependent on their salaries for support?

MR. W. E. FORSTER: Sir, I think the hon. Member is not altogether in possession of the facts of this case. The salary of the assistant teachers has not been reduced in consequence of the distress. There were 3,500 assistant

teachers on the roll on the 1st of January, and the reduction of 68, which has since taken place in so large a number, has nothing at all to do with the distress. As regards the distress causing a smaller average attendance of scholars, I am very glad to say it has not done so. The average of the quarter ending the 31st March last showed an increase of 25,624, or something over 6 per cent of the whole of Ireland, compared with the average of the corresponding quarter last year. Twenty-five out of the 32 counties show an increase, and in these 25 counties are included all the districts where distress is great. I am very glad to be able to make that statement, and to say that the tendency to attend school is very much on the increase. The same thing occurred during the continuance of the Cotton Famine in Lancashire.

THE ARGENTINE REPUBLIC—DETENTION OF BRITISH VESSELS IN THE RIVER PLATE.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether a British steamer, the "*Plato*," was boarded 40 miles from Buenos Ayres by the Argentine war steamer the "*Constitution*," and a guard of marines placed on board of her; and, whether the steam ship "*Bessel*" has been stopped and guarded; and, if so, what steps Her Majesty's Government have taken, or propose to take, in the matter?

SIR CHARLES W. DILKE: Sir, the reports which have been received by Her Majesty's Government confirm the statement in the hon. Member's Question. The *Plato* was boarded on the morning of the 4th ultimo, and detained till the afternoon of the 5th., when the commander of the Argentine gunboat admitted the arrest was due to a mistake, and allowed the passengers and cargo to be landed. The *Bessel* was detained in the same way from the morning of the 5th of May till the evening of the same day, when she was also released. The cause of the arrests seem to have been the anxiety of the Argentine Government to prevent certain arms believed by them to have been shipped at Antwerp on board the *Bessel* from reaching the hands of disaffected persons in the country. The *Plato* appears to

have been mistaken for the *Bessel*. Her Majesty's, Chargé d'Affairs at Buenos Ayres has made a strong representation on the subject to the Argentine Government, and Her Majesty's Government propose to await the answer to this communication before taking any further steps in the matter.

THE IRISH CONSTABULARY—RELIGIOUS STATISTICS.

MR. O'DONNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will state why he has refused to grant a Return of the number of Catholics, Protestants, and Presbyterians, in the various grades of the Irish Constabulary; and, whether it is a fact that among the officers, non-commissioned officers, and men, the promotions of Protestants to higher rank and higher pay are immensely out of proportion to the respective totals of Protestants and Catholics in the Force?

MR. W. E. FORSTER in reply, said, the hon. Member asked him two Questions. The first was, why he had refused to give a Return of the religion of the persons in the various grades of the Irish Constabulary? The reason he did so was that, judging from English experience, and perhaps from English feeling, he rather revolted against the idea of asking men in the service of the country what their religious opinions were. He had since ascertained, however, that a record of the religious belief of the members of the Constabulary already existed, and, consequently, if he refused any longer to make the required Return, he might probably give the idea that there was some reason for the refusal. Therefore, he should put the Return on the Table. At the same time, he must state that when he got to Ireland he should very seriously consider the real reason why the religious beliefs of the members of the Constabulary were recorded, and he hoped he should find out that he should be able to do away with it. The Return would itself answer the second part of the hon. Member's Question—namely, whether among the officers, non-commissioned officers, and men, the promotions of Protestants to higher rank and higher pay were immensely out of proportion to the respective totals of Protestants and Catholics? He suspected that there

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case; and, as it is probable that that course may be taken, I think I can hardly say what, in my opinion, is the law on the subject. If, however, the Court should refuse the *mandamus*, on the ground that the view of the Justices is correct, that it rests with the Returning Officer to institute proceedings, it will be a matter of consideration for the Government whether such a state of law should not be amended

THE ZULU WAR—COLONIAL EXPENDITURE.

MR. R. N. FOWLER asked the Under Secretary of State for the Colonies, If he will state to the House the amount of the sum alluded to in Lord Kimberley's Despatch to Sir H. B. Frere, No. 4, where it is stated "that the war cost the Colony a great sum, which has been already paid?"

MR. GRANT DUFF: Sir, the Colonial Budget for the current year shows that the total war expenditure paid by the Government of the Cape of Good Hope to March, 1880, has been as follows:—Raised by loan, £750,000; from current revenue, £715,000; total, £1,465,000. Further estimated payments expected to be brought to account to June 30, the end of the financial year, £20,000; total, £1,485,757.

FISHERY PIERS (IRELAND).

MR. GREER asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any portion of the Grant proposed by Her Majesty's Government to be devoted to Fishery purposes in Ireland will be applied to the extension or repairs of existing Fishing Piers in Ireland?

MR. W. E. FORSTER, in reply, said, that the main object of the grant proposed by the Government to be devoted to fishery purposes in Ireland was the construction of new piers. He could not absolutely say that no part of the grant would be applied to the extension of existing piers; but certainly none of it would be spent on repairs.

THE CONTAGIOUS DISEASES ACT—THE SELECT COMMITTEE.

SIR HARCOURT JOHNSTONE asked the First Lord of the Treasury, When it is likely that the Select Committee on the Contagious Diseases Acts

will be nominated; and what is the reason of the delay?

MR. CHILDERS: Sir, I have been in communication with my right hon. Friend the Member for Halifax (Mr. Stansfeld), who originally moved in the matter, and with my right hon. Friend the Member for Tiverton (Mr. Massey), who was Chairman of the Committee in 1879 and in the last Session of the late Parliament. Some delay has occurred in selecting Members of the Committee to replace those who have not been returned to the present Parliament; but as soon as it is completed the Committee will be nominated, and I will move for its appointment with or without the names on Monday next.

PARLIAMENTARY ELECTIONS — CIRCULAR OF THE LIBERAL CENTRAL OFFICE.

MR. GORST asked the First Lord of the Treasury, Whether, upon the Committee responsible for the issue of the Liberal Circular alluded to by Mr. Justice Lush, the names appear of the following members of Her Majesty's present Government:—Sir William Vernon Harcourt, Lord Kensington, the Right Hon. W. P. Adam, Sir Henry James, and the Marquess of Hartington?

MR. GLADSTONE: Sir, I must read this Question, in order to have a full view of its scope, in connection with a former Question, wherein the hon. and learned Gentleman asked the Home Secretary what steps he intended to take for the purpose of discovering and bringing to justice those gentlemen whom Mr. Justice Lush had declared to have been guilty of a misdemeanour in issuing a certain circular. I was in a state of happy ignorance upon all the facts connected with this case until the time when I saw the Notice of the hon. and learned Gentleman, and that led me to make inquiries. I did know as much as this, that there was such an Association as the Liberal Association. I further ascertained that there was a Committee of that Association; and, further still, that several Members of Her Majesty's Government belonged to the Committee; but, unfortunately, to the disappointment of the hon. and learned Gentleman, my right hon. Friend the Home Secretary does not belong to it. Under those circumstances, I trust the hon. and learned Gentleman will excuse

cular case it had not been laid on the Table, and he had waited until it was before the House before he looked at it himself.

MR. MACARTNEY said, the judgment had been delivered in the House, but not printed in the Votes.

ARMY—WOOLWICH ARSENAL.

BARON HENRY DE WORMS asked the Secretary of State for War, Whether the number of workmen at Woolwich Arsenal is being largely reduced; and whether such reductions are likely to continue; and, whether it is intended to remove the Army Clothing Factory from Pimlico; and, if so, whether it would not be desirable to utilise the buildings of Woolwich Dockyard, which have remained empty for many years, by transferring the Clothing Factory to Woolwich, and thereby giving employment to hundreds of artisans who lost their occupation through the closing of the Dockyard?

MR. CHILDERS: The Estimates for the Laboratory for 1880-81 provide for about 2,925 workmen during the year. On the 31st of January there were 3,401. The numbers to be reduced in that establishment, therefore, were 476. This reduction was effected gradually under an Order by my Predecessor in January last, and has now been carried out. The Estimates for the Gun Factory for this year provide for about 602 men, as against 950 men last year, and a gradual reduction is being made. This, however, does not describe the whole case, as the amount of work in the Gun Factory depends also on orders from other Departments, the sums received for which go in aid of the Vote. The number of men, therefore, must vary monthly; but, except in consequence of these orders failing us, no very great further reductions will be necessary. There is no intention of removing the Clothing Factory from Pimlico. It has been established at a cost of about £80,000 in buildings and machinery, and is in a very efficient condition.

NAVY—FLOGGING IN THE NAVY.

CAPTAIN PRICE asked the Secretary to the Admiralty, Whether he is correctly reported to have stated, with reference to the question of flogging in the Navy,

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that the Board of Admiralty fully and cordially approve the course Lord Northbrook intends to take; and, if so, whether the House is to understand that Lord Northbrook's professional advisers have unreservedly expressed their opinion that the time has arrived when the punishment of flogging can be entirely abolished in the Navy?

MR. SHAW LEFEVRE: Sir, the passage which the hon. and gallant Member (Captain Price) has quoted correctly reports what I said upon that occasion. The terms in which I announced the intention of Lord Northbrook to introduce a Bill next year which will remove flogging from the authorized punishments of the Navy, and which will at the same time increase other punishments for some of the graver offences, were fully concurred in by the naval Colleagues of Lord Northbrook, and were *verbatim* the conclusions arrived at after discussion by Lord Northbrook and his Colleagues.

THE BALLOT ACT—SECTION 24—PERSONATION AT ELECTIONS.

MR. RYLANDS asked Mr. Attorney General, Whether his attention has been called to the case of J. A. Howard, a Magistrate for Cheshire, wherein the Justices sitting in Petty Sessions, at Sandbach, refused to hear a charge of personation at the late Mid-Cheshire Election, brought against him on the ground that no one but the Returning Officer can institute such a prosecution; and, if such be the Law, whether the Government will take steps to make an alteration therein?

THE ATTORNEY GENERAL (Sir HENRY JAMES): Sir, my attention has been called to the case mentioned by the hon. Member for Burnley (Mr. Rylands) as having occurred in Cheshire, and to another similar case, in which Justices sitting in Petty Sessions have refused to hear charges of personation on the ground that the prosecutions were not instituted by the Returning Officer. The question arises under the 24th section of the Ballot Act, which provides that it shall be the duty of the Returning Officer to institute such prosecutions. I must answer my hon. Friend by saying that the determination of the Statute can easily be obtained by moving for a *mandamus* to compel the Justices to hear the

case; and, as it is probable that that course may be taken, I think I can hardly say what, in my opinion, is the law on the subject. If, however, the Court should refuse the *mandamus*, on the ground that the view of the Justices is correct, that it rests with the Returning Officer to institute proceedings, it will be a matter of consideration for the Government whether such a state of law should not be amended

THE ZULU WAR—COLONIAL EXPENDITURE.

MR. R. N. FOWLER asked the Under Secretary of State for the Colonies, If he will state to the House the amount of the sum alluded to in Lord Kimberley's Despatch to Sir H. B. Frere, No. 4, where it is stated "that the war cost the Colony a great sum, which has been already paid?"

MR. GRANT DUFF: Sir, the Colonial Budget for the current year shows that the total war expenditure paid by the Government of the Cape of Good Hope to March, 1880, has been as follows:—Raised by loan, £750,000; from current revenue, £715,000; total, £1,465,000. Further estimated payments expected to be brought to account to June 30, the end of the financial year, £20,000; total, £1,485,757.

FISHERY PIERS (IRELAND).

MR. GREER asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any portion of the Grant proposed by Her Majesty's Government to be devoted to Fishery purposes in Ireland will be applied to the extension or repairs of existing Fishing Piers in Ireland?

MR. W. E. FORSTER, in reply, said, that the main object of the grant proposed by the Government to be devoted to fishery purposes in Ireland was the construction of new piers. He could not absolutely say that no part of the grant would be applied to the extension of existing piers; but certainly none of it would be spent on repairs.

THE CONTAGIOUS DISEASES ACT—THE SELECT COMMITTEE.

SIR HARCOURT JOHNSTONE asked the First Lord of the Treasury, When it is likely that the Select Committee on the Contagious Diseases Acts

will be nominated; and what is the reason of the delay?

MR. CHILDERS: Sir, I have been in communication with my right hon. Friend the Member for Halifax (Mr. Stansfeld), who originally moved in the matter, and with my right hon. Friend the Member for Tiverton (Mr. Massey), who was Chairman of the Committee in 1879 and in the last Session of the late Parliament. Some delay has occurred in selecting Members of the Committee to replace those who have not been returned to the present Parliament; but as soon as it is completed the Committee will be nominated, and I will move for its appointment with or without the names on Monday next.

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me from going further into the particular terms of his Question, because he alludes not to the Committee of the Liberal Association, but to the Committee responsible for the issuing of the circular. I know nothing of the responsibility, and, not having the advantage of being an hon. and learned Gentleman, I wish to give no opinion or to describe any particulars with which I am not fully conversant. I hope that I have answered the Question to the best of my ability.

HERIOT'S HOSPITAL, EDINBURGH.

SIR EDWARD COLEBROOKE asked the Secretary of State for the Home Department, Whether he has given his approval to a Provisional Order relating to Heriot's Trust, Edinburgh, the terms of which are at variance with recommendations of the Endowed Schools (Scotland) Act of 1872, and with those contained in the special report of the Endowed Institutions Commission lately presented to Parliament in certain essential particulars, and especially as not containing any provision for the revision of the governing body?

MR. M'LAREN asked the Secretary of State for the Home Department, If he would explain to the House the exact form of the modified Provisional Order for Heriot's Hospital, as altered by him by virtue of the powers conferred on him by the Act, and then sent to the governors for their approval in terms of the Act, and returned by them unanimously approved of, does not contain provisions in the direction indicated in the Report of the Commissioners as being desirable on the following points, viz.:—whether it contains an obligation binding the governors to take over during the present year, the Watt Institution and School of Arts, now supported by voluntary contributions, and having 2,000 pupils, and to maintain that institution in all time coming as a great technical school or college for the industrial classes, and to provide £12,000 for new buildings, all out of the funds of the hospital; whether it provides additional bursaries for the University of Edinburgh to the extent which the principal of the university stated in his evidence would be satisfactory; whether it prohibits the erection of any additional free schools out of the surplus funds of

the hospital, and requires that these should hereafter be applied for the benefit of the new technical school or college; whether it provides for the gradual reduction of the number of foundationers resident in the hospital from 120 to 60; and, with respect to the constitution of the governing body of the hospital, to ask, whether he has received any representation from any of the public bodies in Edinburgh, or from any party or any section of its inhabitants, expressing dissatisfaction with the present large and popularly chosen body of governors, and praying that there might be substituted for it a smaller and more exclusive body, as was recommended by the Commission appointed under the Act of 1872?

SIR WILLIAM HARCOURT: Sir, the matter referred to by my hon. Friends is not yet finally concluded. As the subject is one of interest in Scotland, they will, perhaps, wish that I should state exactly how it now stands. The Commissioners have expressly recommended me to approve a Provisional Order authorizing the Governors of Heriot's Hospital to take over the Watt Institution as being a thing desirable in itself apart from all other reforms, and as justifying in itself the Provisional Order. That will be done. At the same time, the Commissioners took objection to the omission of other important reforms which were not provided for in the scheme as originally propounded by the Governors. The Governors have now offered to meet the views of the Commissioners on several of these omitted points. The proposals of the Governors on these particular heads, which are accurately stated in the Question of the hon. Member for Edinburgh (Mr. M'Laren)—namely, the additional bursaries, the reduction of the foundationers resident, and the prohibition of additional free schools—appear to me to be reasonable and conformable to the views of the Commissioners, and to the advantage of higher education in Scotland. I am, therefore, not unwilling to include them in the Provisional Order recommended by the Commissioners. There will be still be some important points left unsettled, which, in the present state of things, it is impossible to insist upon; but the Provisional Order will not prejudice in any way the treatment of these

questions in the future. There seems to me no reason for sacrificing the good which is obtainable, because it is impossible to accomplish at once all that might be desired. That was the principle on which the Commissioners have acted in recommending the issuing of a Provisional Order in respect of the Watt Institution, and it seems to me to be equally appropriate to the recent concession of the Governors. I have only to add that I propose immediately to communicate to the Commissioners the recent proposals of the Governors for the final settlement of the matter. With respect to the last part of the Question of the hon. Member for Edinburgh, I can only say I have not received representations from any of the public bodies in Edinburgh, or from any party or section of its inhabitants, expressing any dissatisfaction with the present Governing Body of Heriot's Hospital.

DISSOLVED HIGHWAY BOARDS (FINANCE).

MR. A. J. BALFOUR asked the President of the Local Government Board, Whether he is aware that in certain districts the Highway Boards have dissolved before they have paid their debts, collected the money due to them, or made up their accounts; and, whether he can suggest any means by which the inconvenience thus arising can be obviated?

MR. DODSON: Sir, two instances have been brought under the notice of the Board, in which the Quarter Sessions of a county have dissolved a highway district without making any provision in the order for the adjustment of accounts. The orders should have been made to take effect at such a date as would have enabled the Highway Boards to collect the money due to them, pay their debts, and give effect to any adjustment ordered by the Justices. The inconvenience arising from the neglect to take these precautions can only be remedied by voluntary arrangement or by fresh legislation.

PUBLIC HEALTH—CONDEMNED MEAT.

MR. ANDERSON asked the Secretary to the Admiralty, If he is aware that meat condemned by the officers of the Corporation of London is dipped in creosote previous to being sold, so as to

insure its not being re-sold for food, and if he will consider the practicability of adopting some such expedient with condemned beef and pork from Navy stores, so as to prevent its being used for victualling and poisoning our mercantile marine?

MR. SHAW LEFEVRE: Sir, no meat which has been condemned as unfit for food is now sold by the Admiralty in open market. In consequence, I believe, of representations made by Mr. Plimsoll, arrangements were made in 1878 for the sale of all beef and pork condemned as unfit for human food to a soap maker of high standing, under a guarantee to melt it down. This arrangement is still in force, and there is no reason to believe that any of such meat finds its way into the Mercantile Marine.

NAVY—H.M.S. "ATALANTA."

MR. ANDERSON asked the Secretary to the Admiralty, If the "*Blanche*" not only failed to find traces of the "*Atalanta*," but also of any of the ice-bound vessels seen by the "*Brunette*;" and, whether any instructions have been sent to the "*Blanche*" to pursue that search, or, if the Admiralty proposes to take any other steps in the matter?

MR. SHAW LEFEVRE: Sir, the *Blanche* has returned to Halifax after having cruised for three weeks to the eastward of the Newfoundland Banks, without finding any trace of the *Atalanta*, and without having come across any of the vessels said to be ice-bound by the master of the *Brunette*, although she met with a great deal of ice and several icebergs. It is not an uncommon thing for vessels bound to and from the St. Lawrence in the early part of the year to be ice-bound; and I observe, from a statement in *The Standard* to-day, that a vessel called the *Wimmera* ran into a field of ice at the entrance of the Gulf of St. Lawrence in the early part of May, and remained there for some days, her master reporting that he saw no less than 50 other vessels, including steamers, in a similar position. The master, however, added that the ice began to separate on the 19th of May, and that his vessel soon got free; therefore, I presume that the other vessels were equally fortunate. Under these circumstances, the Admiralty do not propose to take any further steps in the matter.

ARMY MEDICAL OFFICERS— EXCHANGES.

MR. MELDON asked the Secretary of State for War, Whether, under the late Administration, when the Army Medical Department was being reorganised, a promise was not made that, in future, exchanges between medical officers would be allowed under the same regulations as for the rest of the Service, if such a regulation was adopted; whether a rule has lately been introduced that, in cases where such exchanges involve change of station, the officers exchanging shall forfeit all claim for pay for the period they occupy in changing; whether all other officers in the Army exchanging under similar circumstances continue to receive their pay without any stoppage; whether the regulation now in force placing medical officers on a different footing from other officers is not highly calculated to make the Army Medical Service unpopular; and, whether he will take steps to have the regulations as to exchange so modified as to carry out the promise made?

MR. CHILDERS: Sir, in reply to the hon. and learned Gentleman, I have to say that I cannot find any record of a promise having been given by my Predecessor such as his Question implies; and I may state that no Order of any description has been given on the subject since I took Office. If, however, he will privately point out to me the promise to which he refers, I will look carefully into the whole question, which has not come before me in any shape.

MERCHANT SHIPPING—THE "CARRADALE."

MR. MIDDLETON asked the Secretary to the Admiralty, If his attention has been called to a statement that the "Antelope" (ship) of Boston, Capt. Chaney, arrived at Bombay on 15th May from Liverpool, reports having seen a large vessel ashore on the Island of Europa in the Mozambique Channel, on 25th March; that the "Antelope" drifted past in a calm and could not get near the island; if he has any reason to believe that the wrecked vessel is the "Carradale" which left the Tyne on the last day of November bound for Bombay; and, if he will give orders to send one of Her Majesty's Ships to Europa Island to inquire as to the wreck and crew?

MR. SHAW LEFEVRE: Sir, in consequence of a representation made to the Admiralty a telegraphic Order was given on the 12th instant to the senior officer at Zanzibar to send a vessel to inquire into the reported wreck at Europa Island. It is the opinion of the Admiralty that the wreck in question is not the vessel referred to by the hon. Member. It seems that when the Island was last visited in 1875, there was a wreck of an iron vessel lying there, and it is supposed that the vessel seen by the *Antelope* is the same vessel.

THE IRISH LAND ACT, 1870—SALE OF CHURCH LANDS TO OCCUPYING AND OTHER TENANTS.

MR. MOLLOY asked the Chief Secretary to the Lord Lieutenant of Ireland, If the Government will include in the instructions to the proposed "Small Royal Commission on the Land Act of 1870," instructions to examine into the working and results of all sales made by the Church Temporalities Commissioners of Church Lands to occupying and other tenants?

MR. W. E. FORSTER: Sir, I cannot give a positive answer to the Question. The hon. Member, however, is aware that the object of the Commission is the examination of the working of the Land Act of 1870. Well, that Act contains a number of clauses called the "Bright Clauses," and I think it must be very difficult to examine into so much of the working of the Act which relates to those clauses without, at the same time, finding out what was done by the Church Temporalities Commissioners with respect to the sale of Church lands.

M. CHALLEMEL LACOUR, THE FRENCH AMBASSADOR.

MR. SPEAKER called upon the hon. Member for Dungarvan (Mr. O'Donnell) to put a Question he had upon the Paper in reference to M. Challemel Lacour, the French Ambassador.

MR. O'DONNELL: Before I put this Question, Sir, I wish to call your attention to a fact, of which you are already aware, that I put down another Question relating to M. Challemel Lacour, and that you, with your usual courtesy, have intimated to me that that Question sinned in some respect against the Rules of the

House. Considering the position which I occupy as a Member of this House in asking a Question in relation to the action of the Government and the criticisms to which I have been exposed on the part of the Government and of its supporters, will you allow me to ask you in general terms, carefully avoiding trenching on disputable matter, whether you can give the House a public explanation of the reasons why you have interfered with the publication of the Notice of my Question? The Question consisted of three parts. The first contained an extract from the telegram of a foreign politician; the second part asked whether Her Majesty's Government had been made aware of the contents of that telegram by our Ambassador in a foreign country; and the third part went on to ask—

MR. SPEAKER: I have already informed the hon. Member that the Question to which he is now adverting is a Question which ought not properly to be put; and, after that intimation, I think it is quite irregular on the part of the hon. Member to refer to it.

MR. O'DONNELL: Cannot I ask you, Sir, to what part of the Question you object? I only ask that as a Member of this House. I am particularly anxious to obey.

MR. SPEAKER: I am responsible to this House for the maintenance of its Rules and Orders. The Question which the hon. Member proposed to put appeared to me to advert to a matter beyond the cognizance of the House or of Her Majesty's Government; and on that ground I did not allow it to be placed upon the Paper.

MR. O'DONNELL: I am exactly as much in the dark as ever. I ask you, as a matter connected with the Privileges of a Member of this House, if you will inform me and this House—

SIR JOHN R. MOWBRAY: I rise to Order. I wish to know, Whether the hon. Member for Dungarvan (Mr. O'Donnell), in the course he is now taking, is not, after the Rule you have twice laid down, disregarding the authority of the Chair?

MR. SPEAKER: I must caution the hon. Member for Dungarvan (Mr. O'Donnell) to confine himself to the two Questions upon the Paper; and if the hon. Member disregards the authority of the Chair in that respect I shall be bound to take action in the matter.

MR. O'DONNELL: May I ask you, Sir, according to your authority, and according to the Rules of the House, in what manner I can bring your decision before the House?

MR. SPEAKER: I call upon the hon. Member now to confine himself to the two Questions on the Paper. If he does not attend to my intimation, I shall at once call on the hon. Member whose name appears next on the Paper to put his Question, and I shall pass over the Questions of the hon. Member for Dungarvan.

MR. O'DONNELL: Under these circumstances, I decline to put any Question at all.

THE IRISH LAND ACT, 1870—THE NEW ROYAL COMMISSION.

MR. J. COWEN asked the First Lord of the Treasury, If, when the Government agreed to recommend Her Majesty to appoint a Royal Commission to inquire into the working of the Irish Land Act of 1870, he was aware that the Royal Commission appointed last year to inquire into the causes and extent of the present agricultural distress was already conducting inquiries as to the operation of the Land Act; that two Assistant Commissioners had been collecting evidence on the subject for some months past; that a preliminary report from these Commissioners had been received and printed; that Professor Baldwin and Major Robertson had been examined at great length by the Commissioners; that arrangements had been made by the Commissioners to open an inquiry at Dublin on Monday first; that witnesses whose examinations will occupy several days have been invited and have engaged to be present at that time; and, whether he will persevere in recommending to Her Majesty to appoint a new Royal Commission to institute inquiries of the same description in Ireland as those now being carried out by the existing Commission, as such appointment might be calculated to impart a partisan character to an investigation that ought to be impartial and judicial?

MR. GLADSTONE: Sir, in answer to the Question of my hon. Friend, I may state, without entering into the various details which the hon. Member has put into the Preamble, that we were perfectly aware that inquiries into the

working of the Land Act were within the scope of the instructions given to the Royal Commission on Agriculture; and, further, that the Royal Commission on Agriculture either had begun, or was about to take—had, in fact, taken preliminary steps, and was about to take further steps, for entering upon the execution of that part of its Commission; but I am by no means able to say that we recede in any respect from our intention to recommend to Her Majesty to appoint a Royal Commission to inquire into the working of the Irish Land Act of 1870, and the reason why we intend to take that step is this. In the first place, that we think that the gravity of the circumstances attending the condition of the Irish population in certain parts of Ireland at the present moment is such as to require attention from a Royal Commission, which should be immediate, and entire, and undivided. We think it quite impossible for the existing Royal Commission to fulfil those conditions without sacrificing to them its other equally important duties in a multitude of other particulars; and, therefore, in no spirit of disrespect or want of confidence in the existing Royal Commission, we have thought it right to take those proceedings for the purpose of obtaining, at the earliest possible moment, the most authentic information on a subject so important as the condition of Ireland. This intention was communicated by me to the Duke of Richmond, as head of the Commission, yesterday morning; and the Duke of Richmond made known the intentions of the Government to the Commission at its meeting yesterday.

NATIONAL SCHOOLS (IRELAND)—KILKENNY COUNTY.

MR. MARTIN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that the teachers of National Schools in the county of Kilkenny, or any, and, if so, how many of them, whose pupils were examined in March last for result fees, have not as yet been paid the fees then earned; and, if it is the fact that the sums many months ago directed to be given by way of increase to class salaries remain as yet unpaid to those teachers; and, if so, can he state the reasons for the delay in the payment of such fees and sums, and

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how soon the teachers may anticipate that they will receive payment of the same respectively?

MR. W. E. FORSTER: I find, Sir, that there is one National School in Kilkenny, out of all the schools examined, in which money ordered to be paid as result fees has not yet been handed over. This is an exceptional case, having to be settled by correspondence with the Inspector before it can be definitely determined whether certain important conditions have been fulfilled or not. I further find that the increase alluded to in the second part of the Question has been paid to the whole staff of 11,000 teachers, with the exception of a few cases, in which the managers have delayed sending up their claims, and some other cases of a very exceptional character, which require to be referred to the Department.

SCOTLAND—THE TAY BRIDGE DISASTER—THE REPORT.

MR. HENDERSON asked the President of the Board of Trade, If he can state when the Report of the Commission of Inquiry into the Tay Bridge disaster will be issued?

MR. CHAMBERLAIN: Sir, as the hon. Member (Mr. Henderson) is aware, the evidence in the case of the inquiry into the Tay Bridge disaster is very voluminous, and raises many very important and complicated questions. I am informed that the preparation of the Report is far advanced; and although I cannot state the precise date when it will be issued, I hope it will be ready before many days.

ENDOWED SCHOOLS—DULWICH COLLEGE—THE NEW SCHEME.

MR. BRYCE asked the Vice President of the Council, Whether the Education Department has yet received from the Charity Commission the new Scheme for the administration of Dulwich College; and, if not, whether the Government, considering the great injury to this important foundation which the continuance of the present state of uncertainty involves, will take steps to accelerate the action of the Charity Commissioners?

MR. MUNDELLA: Sir, in reply to the hon. Member's Question, I have to say that the Education Department have

not yet received from the Charity Commission the new Scheme for the administration of Dulwich College. But I am informed by the Commissioners that the Scheme has been revised throughout, and is now in the printers' hands in the form in which, subject to a reference to the Governors upon one point, it is proposed to submit it to the Committee of Council on Education. As soon as we receive it, it shall be promptly considered and dealt with.

ENDOWED SCHOOLS—ST. OLAVE'S GRAMMAR SCHOOL.

MR. COHEN asked the Vice President of the Council, Under what circumstances and for what reason the draft scheme for the administration of St. Olave's Grammar School, which was published in 1877 by the Charity Commissioners, has not been proceeded with?

MR. MUNDELLA: Sir, I have communicated with the Charity Commissioners as to the draft scheme for St. Olave's Grammar School, and I have been furnished with a memorandum stating in great detail the reasons why the proceedings in regard to the scheme have been suspended. It appears that the scheme is objected to not only by the existing Governors, but by nine other public Bodies. To some of these objections it is impossible for the Commissioners or the Education Department to yield. For instance, it is opposed to the principle of all modern educational endowment schemes to establish a system of indiscriminate gratuitous education without regard to merit; and this is one of the main objections urged against the scheme. I am authorized by the Charity Commissioners to say that they have always been willing, and they are now ready, to proceed with the scheme, providing the Governors and the objecting Bodies will concede these questions of principle. Of course, if no agreement can be arrived at, the Commissioners may act on the authority vested in them.

RELIEF OF DISTRESS (IRELAND) ACT (1880) AMENDMENT BILL—THE NEW CLAUSE AND SCHEDULE.

MR. PARNELL gave Notice that in Committee on this Bill he would move the insertion of a clause to the effect that, having regard to the distress now

existing in all parts of Ireland arising from failure of crops and unusual depression in the price of farm produce, it is desirable to suspend for two years all proceedings in ejectments in respect of agricultural holdings at and under £20, and it is hereby provided that all proceedings for the recovery of any land or tenement where a year's rent or more is in arrear be suspended for a period of two years from the passing of this Act.

MR. O'SHAUGHNESSY asked the Chief Secretary to the Lord Lieutenant of Ireland, with regard to the amendment of the Bill for the Relief of Distress in Ireland, on the subject of the temporary provisions regarding ejectment for non-payment of rent, When he will cause to be placed on the Table the Schedule mentioned in the said Amendment, showing the districts to which it is intended to apply; and, also, whether, having regard to the desirability of enabling Members to know approximately, before the conclusion of the debate on the Second Reading, the extent of the applicability of the Amendment, he will state generally the principle on which the Schedule of Districts is to be constructed?

MR. W. E. FORSTER: Sir, I believe that the subject does not, strictly speaking, come within the scope of the debate on the second reading. I thought it would be convenient for every Member of this House who looked into the matter to have the Amendment on the Table as soon as I could put it, for the House, of course, will only assent to the principle of the second reading of the Bill which is before it, and the Amendment must come on when we go into Committee. With regard to the Schedule, I had hoped to have it ready yesterday. I trust I shall to-day. The principle upon which it will be framed is, that it will apply to those districts which have been scheduled for the purpose of loans at very cheap rates to landlords or to sanitary authorities, that being, to our mind, a proof of the distress existing in those districts. I do say that it will exactly correspond, but it will practically and substantially correspond, with that geographical description.

IRELAND—THE MUNICIPAL BOUNDARY COMMISSION.

MR. DAWSON (for Mr. GRAY) asked the Chief Secretary to the Lord Lieu-

tenant of Ireland, When he expects that the Report of the Irish Municipal Boundary Commission will be issued; and, whether, if there is likely to be any considerable delay, he will consider the advisability of having the Report on Dublin issued separately?

MR. W. E. FORSTER: Sir, the Chairman of the Municipal Boundary Commissioners tells me there is no prospect of the Report being completed before the end of next October. I do not think it would be advisable to make a separate Report with regard to Dublin. At this stage of the Session, and with so much Business on hand, it will be almost impossible to legislate on the subject, and I think it would be a disadvantage to anticipate the complete Report.

MOTION.

EVESHAM BOROUGH WRIT.

Motion made, and Question proposed,

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Member to serve in this present Parliament for the Borough of Evesham, in the room of Daniel Rowlinson Ratcliffe, esquire, whose Election hath been determined to be void."—(*Lord Kensington.*)

MR. J. R. YORKE, in moving as an Amendment—

"That the issue of the Writ for the Borough of Evesham be suspended until the Shorthand Writers' Notes of the Judge and the Evidence taken at the Trial of the Election Petition be laid upon the Table of the House,"

said, he rose for the purpose of making some observations upon the question of the time required by law to elapse between the Notice of Motion for a Writ and the Motion itself. There were two main questions to be determined whenever Judges went to the country to try an Election Petition. The direct object was to ascertain the guilt or innocence of the candidates returned; but the indirect object was to ascertain the guilt or innocence of the constituency. Now, the conditions for the due fulfilment of this second object were not satisfactory. It was comparatively rare that candidates who had been guilty of even a small breach of electoral law escaped the attacks of determined opponents; but it was quite another matter with the constituencies. The Judge could only

form opinions upon the morality of the constituency from circumstances casually brought to his notice during the trial of the Petition, and the interest of all concerned in the case prompted them to make those circumstances appear as trivial as possible. No sooner had sufficient been proved before the Judge to make him declare the seat void than the parties on both sides made their bow and dispersed; and under our present system only 48 hours were required to elapse in the House of Commons before another Writ could be moved for to enable the constituency to renew what might be its malpractices, or, as it would be called, its agreeable experience with fresh candidates. What he objected to was that, as soon as sufficient had been proved to vacate a seat, every opportunity of investigating the question of the moral state of the constituency was withdrawn from the cognizance of the Judge. He contended that it was almost impossible for the House of Commons in 48 hours to make up its mind, rationally and deliberately, as to whether, in consequence of any circumstances which might have come to the cognizance of the Judge during the election, or of any other material points of which it might become aware from any other source, it was desirable or not that a Writ should be issued or withheld. He knew nothing particular about the borough of Evesham; but this was the first opportunity he had had of calling attention to the matter. He would conclude by moving the Amendment of which he had given Notice.

SIR GEORGE CAMPBELL said, he had great pleasure in seconding the Amendment. The case, in his opinion, was even stronger than it appeared as represented by the previous speaker, for the Report of the Judges in the case of the Evesham Election Petition was not presented until Wednesday; so that practically, in this instance, there had been only an interval of 24 hours between the unseating of the Member and the moving for a new Writ. Evesham was a petty borough, the smallest in England, and a corrupt borough, and there was no great Constitutional necessity for immediately proceeding to a fresh election. Some time ago he had occasion to look into the question of rotten boroughs, and he was surprised to see how many existed. It was true

Mr. Dawson

that in England they were not so small as they were in Ireland, where they were as small as 2,000 and 3,000 people, or, as he might express it, it took two rotten Englishmen to make one rotten Irishman. In looking into the case of Evesham, he found that its population was 4,800, man, woman, and child, and that the circumstances which led to the Petition were of a very peculiar character. From the newspaper report of the evidence, he found that a very rich and a very charitable gentleman built a house at Evesham, and in the year immediately preceding the General Election he had in various ways given away an immense amount in charity. It was probably only a coincidence; but that gentleman had also a great desire to obtain a seat in Parliament, and perhaps it was only a still further coincidence that those in receipt of those charities had votes, and the gentleman who was appointed as his agent to distribute his charities was also the agent for his electioneering campaign, the consequence of which was that the moneys for the charities and for the election got mixed up, bringing them within the law. Then, upon the inquiry the agent was not examined, but the candidate was; and he stated, as candidates always did, that he had not had anything to do with the bribing of voters. He gave his money to his agent for charitable purposes, and the result was the bribing of voters. Finally, the candidate was pronounced guilty of bribery, through his agents, and the election was declared void. In this instance, the Report of the Judges was a shrewd one, for it stated that on the evidence before them, to which alone they confined their attention, they could not report that corrupt practices had extensively prevailed. The Judges had made no inquiry of an inquisitorial character, the parties having apparently patched up the matter. In the case of that very rotten borough, and in view of the fact that the agent was not put in the box for examination, he asked the Government whether it was of such great Constitutional necessity that the Writ should immediately issue; and he thought it would not be a very great evil if the question were allowed to remain until the question of the re-distribution of seats was brought before the House; and, at any rate, he hoped the Government would let the House have an opportunity of con-

sidering the whole of the circumstances before they were pledged to the issue of the Writ.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the issue of the Writ for the Borough of Evesham be suspended until the Shorthand Writers' Notes of the Judge and the Evidence taken at the Trial of the Election Petition be laid upon the Table of the House,"—(*Mr. Reginald Yorke*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. NEWDEGATE said, he hoped the House would consent to the hon. Member's (*Mr. J. R. Yorke's*) Amendment. It was well known to many hon. Members that he (*Mr. Newdegate*) had always viewed the operation of the Ballot Act with great apprehension. The first political lesson he had ever learnt was when he visited the United States of America, in the midst of the elections to Congress, and got behind the scenes as much as he could, in order to satisfy himself what was the real operation of the system of Ballot. That was now very many years ago; and every report from the United States he had since read only convinced him that the American people were unable to relieve themselves of the prevalence of corruption which he then witnessed, and which had gone on increasing ever since. Their only protection, in fact, seemed to consist in the enormous magnitude of the constituencies, whilst even that afforded an inadequate protection. The corruption was practised not merely by individuals, but by means of a system of what were really secret societies. In the United States the feeling was growing of a desire to be delivered from the Ballot, could but the means be devised for effecting it. He did not wish to see the democratic institutions of America imported wholesale into this country; he hoped, therefore, that the House would, in the present instance, with a view of preserving something of the traditional forms of constituencies in this country, give the requisite time for examination, when cases of corruption such as that before the House had been proved to have occurred under the Ballot; because he was convinced, from the very nature

working of the Land Act were within the scope of the instructions given to the Royal Commission on Agriculture; and, further, that the Royal Commission on Agriculture either had begun, or was about to take—had, in fact, taken preliminary steps, and was about to take further steps, for entering upon the execution of that part of its Commission; but I am by no means able to say that we recede in any respect from our intention to recommend to Her Majesty to appoint a Royal Commission to inquire into the working of the Irish Land Act of 1870, and the reason why we intend to take that step is this. In the first place, that we think that the gravity of the circumstances attending the condition of the Irish population in certain parts of Ireland at the present moment is such as to require attention from a Royal Commission, which should be immediate, and entire, and undivided. We think it quite impossible for the existing Royal Commission to fulfil those conditions without sacrificing to them its other equally important duties in a multitude of other particulars; and, therefore, in no spirit of disrespect or want of confidence in the existing Royal Commission, we have thought it right to take those proceedings for the purpose of obtaining, at the earliest possible moment, the most authentic information on a subject so important as the condition of Ireland. This intention was communicated by me to the Duke of Richmond, as head of the Commission, yesterday morning; and the Duke of Richmond made known the intentions of the Government to the Commission at its meeting yesterday.

NATIONAL SCHOOLS (IRELAND)—KILKENNY COUNTY.

MR. MARTIN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that the teachers of National Schools in the county of Kilkenny, or any, and, if so, how many of them, whose pupils were examined in March last for result fees, have not as yet been paid the fees then earned; and, if it is the fact that the sums many months ago directed to be given by way of increase to class salaries remain as yet unpaid to those teachers; and, if so, can he state the reasons for the delay in the payment of such fees and sums, and

Mr. Gladstone

how soon the teachers may anticipate that they will receive payment of the same respectively?

MR. W. E. FORSTER: I find, Sir, that there is one National School in Kilkenny, out of all the schools examined, in which money ordered to be paid as result fees has not yet been handed over. This is an exceptional case, having to be settled by correspondence with the Inspector before it can be definitely determined whether certain important conditions have been fulfilled or not. I further find that the increase alluded to in the second part of the Question has been paid to the whole staff of 11,000 teachers, with the exception of a few cases, in which the managers have delayed sending up their claims, and some other cases of a very exceptional character, which require to be referred to the Department.

SCOTLAND—THE TAY BRIDGE DISASTER—THE REPORT.

MR. HENDERSON asked the President of the Board of Trade, If he can state when the Report of the Commission of Inquiry into the Tay Bridge disaster will be issued?

MR. CHAMBERLAIN: Sir, as the hon. Member (Mr. Henderson) is aware, the evidence in the case of the inquiry into the Tay Bridge disaster is very voluminous, and raises many very important and complicated questions. I am informed that the preparation of the Report is far advanced; and although I cannot state the precise date when it will be issued, I hope it will be ready before many days.

ENDOWED SCHOOLS—DULWICH COLLEGE—THE NEW SCHEME.

MR. BRYCE asked the Vice President of the Council, Whether the Education Department has yet received from the Charity Commission the new Scheme for the administration of Dulwich College; and, if not, whether the Government, considering the great injury to this important foundation which the continuance of the present state of uncertainty involves, will take steps to accelerate the action of the Charity Commissioners?

MR. MUNDELLA: Sir, in reply to the hon. Member's Question, I have to say that the Education Department have

spect to it applied also to the treatment of other places.

MR. GLADSTONE said, there was already a rule that the shorthand writers' notes in cases of this description should be laid on the Table; but it was not usual to print them, unless they were asked for on some special ground. This case appeared to be of a special character; and, as his hon. and learned Friend had explained, the Government were willing to postpone the issue of the Writ. Perhaps it would be better to withdraw the Motion, if the hon. Gentleman would withdraw the Amendment, on the understanding that it would not be renewed until after the evidence and the Report of the Judges had been received.

Amendment, by leave, *withdrawn*.

Motion, by leave, *withdrawn*.

THE ATTORNEY GENERAL (Sir HENRY JAMES) then gave Notice that to-morrow he would move that the shorthand notes taken before the Judges in the Evesham case be printed.

PARLIAMENT—PUBLIC BUSINESS.

MR. DILLWYN asked the Postmaster General, Whether it was his intention to take the Post Office Money Bill to-night; if so, after what hour would he not take it?

MR. FAWCETT, in reply, said, that he would bring on the Bill if he had an opportunity of doing so; but he would not bring it on after half-past 11 o'clock.

SIR STAFFORD NORTHCOTE asked whether there would be a Morning Sitting to-morrow (Friday), and what Business would be taken on Monday?

MR. GLADSTONE, in reply, said, that there would be a Morning Sitting to-morrow, and on Tuesdays and Fridays for the future. The resumption of the debate on the Irish Relief Bill was the first Order for that evening; and if the second reading were agreed to, he proposed, if it were agreeable to the feeling of the House, to take the Committee to-morrow. Otherwise the Savings Banks Bill would be proceeded with. On Monday Supply would be the first Order of the Day.

SIR STAFFORD NORTHCOTE: Navy Estimates?

MR. GLADSTONE: The Civil Service Estimates.

ORDER OF THE DAY.

RELIEF OF DISTRESS (IRELAND) ACT (1880) AMENDMENT BILL.—[BILL 205.]
(*Mr. William Edward Forster, Lord Frederick Cavendish.*)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [11th June], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed*.

MR. CHAPLIN said, he was sorry to be obliged to state that he found it to be his duty to move the adjournment of the debate. He thought that no one in the House or any Member of the Government would be surprised at his taking that step, when they reflected upon the course which Her Majesty's Government had pursued with regard to the Bill. It was only on Friday last that the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish), in moving the second reading of the Bill, stated that the subjects to be discussed at the present time in reference to Irish distress were comparatively few in number. They might now look forward to a good harvest; and, therefore, it would be only necessary to provide for a comparatively short period. The noble Lord added that the main object of the present Bill was to provide funds for carrying out the Relief of Distress Act, which was passed last Session. In those observations of the noble Lord he (Mr. Chaplin) entirely concurred, and if that was the sole object of the Bill he should be most anxious to assist its progress; but he must point out to the House that the whole situation was changed in consequence of a statement which had been made a night or two before by the right hon. Gentleman the Chief Secretary for Ireland, and the Bill was no longer a measure the chief object of which was the relief of distress; it was, in fact, neither more nor less than a new Irish Land Act of 1870, and one which embodied all the worst and most vicious features of that Act; and not only that, but which exaggerated and extended those features in a degree which could never have been anticipated even from the action of the present Administration. He was referring to the new clause

proposed by the right hon. Gentleman, which had been distributed to Members only that morning, and which he was practically asking the House to read a second time that evening after only six hours' notice. His (Mr. Chaplin's) objections to that clause were of a two-fold character. He objected to the manner in which the clause had been introduced, and he objected still more to the nature of the clause now that it had been introduced. He was tempted to ask why the clause was not introduced into the Bill in the first instance? Was it part of a deliberate and settled policy on the part of Her Majesty's Government, or was it not? If it was, why was it not originally incorporated in the Bill? If it was not so, then he thought they were entitled to ask what had occurred since Friday last, when the noble Lord spoke in those terms which he had quoted, to bring about this change in the policy of the Government? He himself was quite unable to judge from the previous utterances of the Government whether this was part of their original intentions or not.

THE O'DONOGHUE: I rise to Order. I wish to ask you, Sir, if the hon. Gentleman is in Order in discussing the principles of the Bill on a Motion for the adjournment of the debate?

MR. SPEAKER: The Bill before the House is one for the relief of distress in Ireland. The hon. Member on that question has moved an adjournment of the debate, and he is in Order in taking the course he has now taken.

MR. CHAPLIN said, he must ask the permission of the House to make one or two quotations from previous speeches delivered from the Treasury Bench with regard to this question. The right hon. Gentleman the Chief Secretary for Ireland said, on the 20th of May last—

"It had been asked why the subject had not been mentioned in the Queen's Speech; but he might observe . . . that it was not usual to make mention in the gracious Speech from the Throne of any measures which it was not intended to bring forward in the Session which that Speech opened, and the Government would have been departing from the practical manner in which legislation ought to be, and generally was, conducted in that House if Her Majesty were advised to hint at measures with which it was not intended to proceed."

Would not that lead anyone to suppose that this clause, which, in his (Mr. Chaplin's) judgment, was in reality a

Mr. Chaplin

new Irish Land Act, was one of those measures with which the Government did not intend to proceed? He did not know how the right hon. Gentleman would reconcile it with the following sentence, in which he said—

"The Land Question was not only one which was most important, but one with which its very importance made it exceedingly difficult to deal in a comprehensive manner. To have brought in a 10 minutes' Irish Land Bill would, in his opinion, have been a most unwise course to adopt. The hon. Member who had just spoken (Mr. T. P. O'Connor) said they might bring forward an interim Bill for the suspension of payment of rent. [Mr. T. P. O'CONNOR: No; suspension of eviction.] He thought that was almost the same thing. He was quite prepared to listen to any arguments which the hon. Member by whom such a Bill was brought in might advance. He had no desire to prejudge the question; but would any hon. Member on either side of the House suppose that it would not bring in its discussion, if brought forward by the Government, every branch of the Land Question?"—[3 *Hansard*, cclii. 155-6-7.]

No; and he supposed if the right hon. Member had given Notice to introduce a Bill to transfer the property of the landlords of Ireland bodily to the tenants he would not in the least prejudge the question, and would have told the hon. Member that he was ready to listen to any arguments that he might advance. That was exactly his case. The Government had, as he contended, introduced such a Bill, and it was absolutely necessary that every branch of this important question should be discussed. It was impossible, however, for the House of Commons at six hours' notice to discuss properly a subject of such tremendous importance.

MR. W. E. FORSTER rose to a point of Order. He understood the hon. Gentleman to state that there ought to be an adjournment, because he (Mr. W. E. Forster) had given Notice of his intention to propose a clause in Committee. The hon. Member said time ought to be given for the discussion of that clause. He rose in Order to ask whether, inasmuch as the clause was not in the Bill at present, and as only Notice had been given that it would be brought forward in Committee, it was in Order to discuss that clause on the second reading of the Bill?

MR. SPEAKER said, public Notice having been given on the part of the right hon. Gentleman to introduce a clause of that character, and such a

not yet received from the Charity Commission the new Scheme for the administration of Dulwich College. But I am informed by the Commissioners that the Scheme has been revised throughout, and is now in the printers' hands in the form in which, subject to a reference to the Governors upon one point, it is proposed to submit it to the Committee of Council on Education. As soon as we receive it, it shall be promptly considered and dealt with.

ENDOWED SCHOOLS—ST. OLAVE'S GRAMMAR SCHOOL.

MR. COHEN asked the Vice President of the Council, Under what circumstances and for what reason the draft scheme for the administration of St. Olave's Grammar School, which was published in 1877 by the Charity Commissioners, has not been proceeded with?

MR. MUNDELLA: Sir, I have communicated with the Charity Commissioners as to the draft scheme for St. Olave's Grammar School, and I have been furnished with a memorandum stating in great detail the reasons why the proceedings in regard to the scheme have been suspended. It appears that the scheme is objected to not only by the existing Governors, but by nine other public Bodies. To some of these objections it is impossible for the Commissioners or the Education Department to yield. For instance, it is opposed to the principle of all modern educational endowment schemes to establish a system of indiscriminate gratuitous education without regard to merit; and this is one of the main objections urged against the scheme. I am authorized by the Charity Commissioners to say that they have always been willing, and they are now ready, to proceed with the scheme, providing the Governors and the objecting Bodies will concede these questions of principle. Of course, if no agreement can be arrived at, the Commissioners may act on the authority vested in them.

RELIEF OF DISTRESS (IRELAND) ACT (1880) AMENDMENT BILL—THE NEW CLAUSE AND SCHEDULE.

MR. PARNELL gave Notice that in Committee on this Bill he would move the insertion of a clause to the effect that, having regard to the distress now

existing in all parts of Ireland arising from failure of crops and unusual depression in the price of farm produce, it is desirable to suspend for two years all proceedings in ejectments in respect of agricultural holdings at and under £20, and it is hereby provided that all proceedings for the recovery of any land or tenement where a year's rent or more is in arrear be suspended for a period of two years from the passing of this Act.

MR. O'SHAUGHNESSY asked the Chief Secretary to the Lord Lieutenant of Ireland, with regard to the amendment of the Bill for the Relief of Distress in Ireland, on the subject of the temporary provisions regarding ejectment for non-payment of rent, When he will cause to be placed on the Table the Schedule mentioned in the said Amendment, showing the districts to which it is intended to apply; and, also, whether, having regard to the desirability of enabling Members to know approximately, before the conclusion of the debate on the Second Reading, the extent of the applicability of the Amendment, he will state generally the principle on which the Schedule of Districts is to be constructed?

MR. W. E. FORSTER: Sir, I believe that the subject does not, strictly speaking, come within the scope of the debate on the second reading. I thought it would be convenient for every Member of this House who looked into the matter to have the Amendment on the Table as soon as I could put it, for the House, of course, will only assent to the principle of the second reading of the Bill which is before it, and the Amendment must come on when we go into Committee. With regard to the Schedule, I had hoped to have it ready yesterday. I trust I shall to-day. The principle upon which it will be framed is, that it will apply to those districts which have been scheduled for the purpose of loans at very cheap rates to landlords or to sanitary authorities, that being, to our mind, a proof of the distress existing in those districts. I do say that it will exactly correspond, but it will practically and substantially correspond, with that geographical description.

IRELAND—THE MUNICIPAL BOUND- ARY COMMISSION.

MR. DAWSON (for Mr. GRAY) asked the Chief Secretary to the Lord Lieu-

of that system of voting, that it secretly afforded opportunities for corruption and concealment, and greatly increased the difficulty of detection, interposing such difficulties as did not exist under the system of open voting. It was, therefore, still more necessary to suspend Writs, as had often been done in former years, whenever evidence of corruption practised at recent elections had been proved.

Mr. RYLANDS concurred with the hon. Gentleman who had moved the Amendment (Mr. J. R. Yorke). It was of the greatest importance that they should take care not to issue Writs where there had been suspicion of corruption. He was totally at a loss to understand why there could be any reason for pressing the issue of this Writ. He would, however, advise the House to proceed with caution, as, on the present occasion, they were forming a precedent for future guidance.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he could assure the House there was not the slightest wish on the part of the Government to press forward the issue of the Writ. At the same time, it was desirable that a rule should be laid down and followed unless special circumstances justified a deviation from it. A rule had been established and acted on for some years that a Writ should not be issued until after two days' Notice, the object of which was to allow any hon. Member who wished to do so the opportunity to draw the attention of the House to any special circumstance connected with the election. *Prima facie*, there ought to be no unnecessary delay in the issuing of a Writ. A constituency was entitled to representation, and it was not desirable to prolong the period of an electioneering contest. Unless there was some special circumstance on which objection could be founded, there ought not to be undue delay. If the Judges reported to the House that there was reason to believe that corrupt practices had extensively prevailed, there was no discretion left, and a Commission must be appointed. Let him remind the House of the position it was placed in. By the Act of 1868 the House of Commons had delegated all authority for the trial of Election Petitions to a tribunal; but what could the House do in this case if it came to the conclusion that corrupt practices had prevailed? No

provision was made for further inquiry. In this case, however, the Report of the Judges was somewhat peculiar. Instead of reporting that there was no reason to believe that corrupt practices had extensively prevailed, they said that, from the evidence before them, and to which they had confined themselves, they had no reason to believe that corrupt practices had extensively prevailed. The House could not properly act upon the suggestion made that there had been an arrangement by which persons had been kept out of the witness-box, nor could it be influenced by the general description of a place as corrupt. The House must apply a general rule, apart from any particular character which hon. Members might choose to give to a place, and it must be careful not to suspend a Writ without a good reason for doing so. If, however, an attempt were made in this case to prevent the reading of the evidence before the issue of the Writ, it would be thought there was some reason in the background why the issue of the Writ was forced on. In the particular circumstances, the Government would offer no objection to delay in the issue of the Writ; but it must be understood that when the shorthand-writers' notes of the evidence had been produced the Motion for the issue of the Writ would be almost immediately renewed.

Mr. R. H. PAGET asked whether, after the statement of the hon. and learned Attorney General that it was doubtful if the House would be able to obtain further investigation of the circumstances of the election at Evesham, the Government would take steps to introduce a measure which would enable the House to give effect to its opinions, if it was decided that further investigation should be made into any case.

Mr. H. SAMUELSON asked whether, seeing that the case of Evesham was not peculiar in any way, the Government would lay on the Table of the House the shorthand writers' notes in all cases in which Petitions had resulted in the unseating of the sitting Members. He knew nothing as to the particular circumstances at Evesham; but it appeared to him that it had been rather unfairly singled out, since other Petitions had disclosed quite as grave a state of things as that which had been shown to have taken place at Evesham, and the same arguments which had been used in re-

clauses; but in this case, Notice having been given of such an important new clause, the House will be prevented from discussing the Bill properly, unless some reference is made to it.

MR. W. E. FORSTER thought it might be convenient to the House if he said a few words. For reasons which he was ready at the proper time to explain, he thought it right to propose that clause in the Bill, which would be the most convenient place, and he gave Notice of it as soon as he came to that conclusion, believing it would be for the convenience of hon. Members. He supposed at the time—but now found he was mistaken—that the debate would be confined to the Bill before the House, because the second reading, which was asked for, could only be the second reading of the Bill; therefore, the vote for or against the second reading would only be for what was in the Bill. Now, however, he was informed that the Speaker thought it would be impossible to prevent the debate extending to the clause; and, as the clause was not really before them, no vote could be taken upon it; and, therefore, he thought that what the Speaker said must happen would subject them to the inconvenience of debating matters on which they could not vote. That being the case, though he thought it a public inconvenience, he rose for the purpose of saying that, under the circumstances, he should not persevere with the clause in question, but should embody the substance of it in a separate Bill, which he would ask the House to pass at a later day.

MR. CHAPLIN said, that in consequence of the statement and action of the Chief Secretary for Ireland he would withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. PARNELL said, he confessed that he did not see how they could discuss the question of the relief of distress in Ireland within the narrow limits now proposed to be assigned to it by the Bill now before the House. In the judgment of all those who had lived longest in Ireland, and had most carefully considered the condition of the people of that country, it always had been apparent that the main cause of periodical

famines there was the condition of Irish land tenure. It would, therefore, be a matter of practical impossibility for the right hon. Gentleman the Chief Secretary for Ireland, by the adoption of the course which he had now announced—namely, the withdrawal of the clause, Notice of which the right hon. Gentleman had given a day or two ago, to limit the discussion of the question within the very narrow limits he proposed. It would be his (Mr. Parnell's) duty to move certain clauses which would put the question of this distress in Ireland upon its proper footing before the country. They had too long been told that distress in Ireland proceeded from the laziness and want of thrift of the Irish people. They had been too long in the habit of appearing before the nations of the world as beggars for charity; and there were many people—in fact, the majority of the people of Ireland—who now thought that the time had come when this practice should cease, and that they should have the opportunity of living in their own country, and of obtaining prosperity from the natural riches and resources of the country—an opportunity which the laws of England had denied them for so long a period. What was wanted by the Irish people was not so much that they should be relieved from the necessities produced by famine out of Imperial funds as that they should be put in a position to manage their own business by an Irish Parliament, instead of being subject, as was the case under the last Parliament, to alien legislation. What was the Bill of the present Government? It was a Bill which simply sought to carry out the policy of the Predecessors of the present Government—a policy which consigned 250,000 people to death by starvation. What were the steps taken by the late Government? The House would recollect that distress in Ireland had been predicted by those best acquainted with the circumstances of the country, and publicly predicted during the last 12 months. It was in the May of 1879 that public attention first came to be directed to the probability—the extreme probability—that the wet season would produce suffering in many of the Western portions of Ireland. These complaints were made publicly, and how were they answered by the late Government? He found that

proposed by the right hon. Gentleman, which had been distributed to Members only that morning, and which he was practically asking the House to read a second time that evening after only six hours' notice. His (Mr. Chaplin's) objections to that clause were of a two-fold character. He objected to the manner in which the clause had been introduced, and he objected still more to the nature of the clause now that it had been introduced. He was tempted to ask why the clause was not introduced into the Bill in the first instance? Was it part of a deliberate and settled policy on the part of Her Majesty's Government, or was it not? If it was, why was it not originally incorporated in the Bill? If it was not so, then he thought they were entitled to ask what had occurred since Friday last, when the noble Lord spoke in those terms which he had quoted, to bring about this change in the policy of the Government? He himself was quite unable to judge from the previous utterances of the Government whether this was part of their original intentions or not.

THE O'DONOGHUE: I rise to Order. I wish to ask you, Sir, if the hon. Gentleman is in Order in discussing the principles of the Bill on a Motion for the adjournment of the debate?

MR. SPEAKER: The Bill before the House is one for the relief of distress in Ireland. The hon. Member on that question has moved an adjournment of the debate, and he is in Order in taking the course he has now taken.

MR. CHAPLIN said, he must ask the permission of the House to make one or two quotations from previous speeches delivered from the Treasury Bench with regard to this question. The right hon. Gentleman the Chief Secretary for Ireland said, on the 20th of May last—

"It had been asked why the subject had not been mentioned in the Queen's Speech; but he might observe . . . that it was not usual to make mention in the gracious Speech from the Throne of any measures which it was not intended to bring forward in the Session which that Speech opened, and the Government would have been departing from the practical manner in which legislation ought to be, and generally was, conducted in that House if Her Majesty were advised to hint at measures with which it was not intended to proceed."

Would not that lead anyone to suppose that this clause, which, in his (Mr. Chaplin's) judgment, was in reality a

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new Irish Land Act, was one of those measures with which the Government did not intend to proceed? He did not know how the right hon. Gentleman would reconcile it with the following sentence, in which he said—

"The Land Question was not only one which was most important, but one with which its very importance made it exceedingly difficult to deal in a comprehensive manner. To have brought in a 10 minutes' Irish Land Bill would, in his opinion, have been a most unwise course to adopt. The hon. Member who had just spoken (Mr. T. P. O'Connor) said they might bring forward an interim Bill for the suspension of payment of rent. [Mr. T. P. O'Connor: No; suspension of eviction.] He thought that was almost the same thing. He was quite prepared to listen to any arguments which the hon. Member by whom such a Bill was brought in might advance. He had no desire to prejudge the question; but would any hon. Member on either side of the House suppose that it would not bring in its discussion, if brought forward by the Government, every branch of the Land Question?"—[3 *Hansard*, cclii. 155-6-7.]

No; and he supposed if the right hon. Member had given Notice to introduce a Bill to transfer the property of the landlords of Ireland bodily to the tenants he would not in the least prejudge the question, and would have told the hon. Member that he was ready to listen to any arguments that he might advance. That was exactly his case. The Government had, as he contended, introduced such a Bill, and it was absolutely necessary that every branch of this important question should be discussed. It was impossible, however, for the House of Commons at six hours' notice to discuss properly a subject of such tremendous importance.

MR. W. E. FORSTER rose to a point of Order. He understood the hon. Gentleman to state that there ought to be an adjournment, because he (Mr. W. E. Forster) had given Notice of his intention to propose a clause in Committee. The hon. Member said time ought to be given for the discussion of that clause. He rose in Order to ask whether, inasmuch as the clause was not in the Bill at present, and as only Notice had been given that it would be brought forward in Committee, it was in Order to discuss that clause on the second reading of the Bill?

MR. SPEAKER said, public Notice having been given on the part of the right hon. Gentleman to introduce a clause of that character, and such a

who had received it, how much of those two-thirds had probably reached the hands of the people who were in want of bread? Works of improvement, which were easily undertaken by owners of land in Ireland, required a considerable expenditure in skilled labour and material. Iron, timber, Portland cement, lime, drainage tiles, and so forth, had to be purchased; masons, carpenters, slaters, and other skilled mechanics had to be employed, and paid high wages. It would not, therefore, be an unreasonable assumption to state that of £180,000 expended by the landlords, not more than half, or £90,000, had as yet been expended in wages for unskilled labour. Of the £90,000 it would be a very liberal assumption to say that, up to the present time, only one-half had been applied to the relief of the people who were in actual distress. These relief works were scattered all over the country. The noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) had stated that of the numerous applications made by landlords in the scheduled districts only 63 had been refused. They might, then, fairly assume, from information which he (Mr. Parnell) had received from those who had a knowledge of the facts, that the works set on foot were not, so far, at any rate, as the majority of them were concerned, in localities where distressed persons could obtain employment. Therefore, he was fully justified in reducing the sum to one-half—namely to £45,000. There was another objection to the principle of granting money to owners of land apart entirely from the uselessness of the application, so far as the relief of actual distress was concerned. Landowners in many cases used the money lent to them as a leverage to obtain the payment of rents from their tenants. It was worked in this way—the tenants who could not pay rent were, he had heard, informed that unless they paid it no works of improvement would be executed on their farms; and those tenants who did pay were favoured in comparison with those who could not pay, and if the latter were employed they were told that they would have to give back in the shape of rent the money they received for their labour.

MR. W. E. FORSTER said, he should like to have an authentic instance of this brought under his notice.

MR. PARNELL said, he was speaking generally of scheduled districts, and he could not then give particular instances. It was obvious that one of the chief designs of the late Government was not to relieve the distressed, but to relieve landlords who could not obtain their rents with the same celerity as formerly they could. He had no doubt that the leverage had been used and would be used again to a considerable extent. A further objection to the proposal of Her Majesty's Government was, that this sum of £750,000 was to be taken out of the Irish Church Fund. That application he considered to be in direct contradiction of the statute, as that fund was the only one which was available for many purposes in Ireland. It was exceedingly hard that the Government should seize upon that fund to provide against the consequences of an occurrence which was the result of the neglect of Parliament in years past. They might fairly ask, what was the necessity for such an appropriation of the fund? The security for the repayment of the sum to be advanced was unimpeachable. All former loans for the improvement of Irish land had been duly repaid; and why, therefore, should not this loan be advanced by the Imperial Exchequer, and the Irish Church Fund be left for purposes which might obtain the sanction of the majority of the Irish constituencies? Then, again, the Church Commissioners had no capital—they had only an annual income, and in order to make advances were obliged to borrow—sometimes from the Savings' Banks. In this case he understood they would have to borrow from the Commissioners for the Reduction of the National Debt. The money was to be borrowed at 3½ per cent, and was to be lent to the landowners at 1 per cent, so that there would be an annual loss to the fund of 2½ per cent, and that for a period of 37 years would amount to £250,000. If they agreed to take the money from the Imperial Exchequer, would it not be a fair and generous thing at least to lend the money at the same rate as it was proposed that it should be borrowed? He believed the calculated surplus of the Irish Church Fund was only about £4,000,000 at the present time, and the proposed charge of £1,500,000 would reduce it to £2,500,000. It was, therefore, obvious that the utility of the fund,

of Lancaster, in one of the numerous speeches he delivered during the Recess, when he insisted that Ireland must be dealt with with more desperate determination. He (Mr. Chaplin) thought at that time, having regard to the condition of Ireland and the state of the people, that this was a most unwise and dangerous, not to say a criminal explanation of policy. [*Cries of "Order!" and "Withdraw!"*]

MR. SPEAKER: If the hon. Member has applied an expression of that kind to a Member of this House he is clearly out of Order.

MR. CHAPLIN said, that he should withdraw the expression instantly if the House was under the impression that he used it. What he said was, "Not to say criminal" ["Oh, oh!"]; but he withdrew the expression at once. He could scarcely find Parliamentary expressions to convey the feelings with which he read that statement of the right hon. Gentleman. He thought it most foolish, most unwise, and probably one of the most dangerous statements which a person in the right hon. Gentleman's position could have made. Were they to consider this clause as merely a prelude to one of those drastic measures to which the right hon. Gentleman referred? He thought they were entitled to an explicit assurance from the Government on that point. What was the state of Ireland at this moment? Again he would quote the Chancellor of the Duchy of Lancaster, who, speaking at Birmingham on the 24th of January last, said—

"In the West of Ireland, in the Province of Connaught, you find there is something like a general social revolt. Rents are refused to be paid even by tenants who could pay them, and this course is recommended and encouraged by a multitude of persons."

The right hon. Gentleman went on to say—

"The revolt is really against the proprietors: but it is also against the tenants. If a tenant pays rent he comes under the condemnation of his brother tenants; and if a tenant be evicted and a farm vacant, and some other farmer enters upon the occupation of that farm, his peace and even his life are in danger."

That was a description of the condition of Ireland after 10 years' experience of Liberal legislation. It was because he felt that they were about to be asked to

enter upon a similar course of legislation, with similar disastrous results, and at only six hours' notice, that he most sincerely trusted a majority of hon. Members on both sides would support the Amendment he should conclude by moving—namely, that the debate be now adjourned.

MR. RITCHIE seconded the Motion.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Mr. Chaplin.*)

MR. GLADSTONE: Mr. Speaker, there is a question of difficulty, upon which I should be glad to be enlightened by you, in perfectly clear terms, with a view of practically settling the question which the hon. Member opposite (Mr. Chaplin) seeks to raise. The hon. Gentleman moves an adjournment of the debate, and his reason for making that Motion is, that he has had only six hours' Notice of a certain clause. [MR. CHAPLIN: I said it had been distributed only that time.] The hon. Gentleman said many times over—though, perhaps, he is not aware of it—that of this clause only six hours' Notice had been given. Upon that the hon. Member moves the adjournment of the debate; but what I am in some doubt about is whether, if we should adjourn the debate and then proceed on a future day to consider the second reading of the Bill, we shall be in Order in debating the clause as if it were part of the Bill. If I am to understand that when we proceed to the second reading we may debate, as part of the subject-matter of the second reading, the question of the clause which my right hon. Friend intends to propose in Committee, then I can understand it; but upon that, as a point of procedure, I should be thankful to be enlightened by your authority.

MR. SPEAKER: It seems to me that a most unusual course has been taken with regard to this clause. Before the Bill has been read a second time public Notice is given of the intention to move a new clause, and the clause itself is printed in the Votes and Proceedings of the House. It appears to me that, that having been done, it is impossible the debate on the second reading of the Bill can be carried out properly without reference to the clause. I quite admit that the usual course in debating the second reading of a Bill is not to refer to the

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clauses; but in this case, Notice having been given of such an important new clause, the House will be prevented from discussing the Bill properly, unless some reference is made to it.

MR. W. E. FORSTER thought it might be convenient to the House if he said a few words. For reasons which he was ready at the proper time to explain, he thought it right to propose that clause in the Bill, which would be the most convenient place, and he gave Notice of it as soon as he came to that conclusion, believing it would be for the convenience of hon. Members. He supposed at the time—but now found he was mistaken—that the debate would be confined to the Bill before the House, because the second reading, which was asked for, could only be the second reading of the Bill; therefore, the vote for or against the second reading would only be for what was in the Bill. Now, however, he was informed that the Speaker thought it would be impossible to prevent the debate extending to the clause; and, as the clause was not really before them, no vote could be taken upon it; and, therefore, he thought that what the Speaker said must happen would subject them to the inconvenience of debating matters on which they could not vote. That being the case, though he thought it a public inconvenience, he rose for the purpose of saying that, under the circumstances, he should not persevere with the clause in question, but should embody the substance of it in a separate Bill, which he would ask the House to pass at a later day.

MR. CHAPLIN said, that in consequence of the statement and action of the Chief Secretary for Ireland he would withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. PARNELL said, he confessed that he did not see how they could discuss the question of the relief of distress in Ireland within the narrow limits now proposed to be assigned to it by the Bill now before the House. In the judgment of all those who had lived longest in Ireland, and had most carefully considered the condition of the people of that country, it always had been apparent that the main cause of periodical

famines there was the condition of Irish land tenure. It would, therefore, be a matter of practical impossibility for the right hon. Gentleman the Chief Secretary for Ireland, by the adoption of the course which he had now announced—namely, the withdrawal of the clause, Notice of which the right hon. Gentleman had given a day or two ago, to limit the discussion of the question within the very narrow limits he proposed. It would be his (Mr. Parnell's) duty to move certain clauses which would put the question of this distress in Ireland upon its proper footing before the country. They had too long been told that distress in Ireland proceeded from the laziness and want of thrift of the Irish people. They had been too long in the habit of appearing before the nations of the world as beggars for charity; and there were many people—in fact, the majority of the people of Ireland—who now thought that the time had come when this practice should cease, and that they should have the opportunity of living in their own country, and of obtaining prosperity from the natural riches and resources of the country—an opportunity which the laws of England had denied them for so long a period. What was wanted by the Irish people was not so much that they should be relieved from the necessities produced by famine out of Imperial funds as that they should be put in a position to manage their own business by an Irish Parliament, instead of being subject, as was the case under the last Parliament, to alien legislation. What was the Bill of the present Government? It was a Bill which simply sought to carry out the policy of the Predecessors of the present Government—a policy which consigned 250,000 people to death by starvation. What were the steps taken by the late Government? The House would recollect that distress in Ireland had been predicted by those best acquainted with the circumstances of the country, and publicly predicted during the last 12 months. It was in the May of 1879 that public attention first came to be directed to the probability—the extreme probability—that the wet season would produce suffering in many of the Western portions of Ireland. These complaints were made publicly, and how were they answered by the late Government? He found that

up to January the only answer given by the Government to the pressing needs of the country was the arrest of Mr. Michael Davitt and others upon the trumped-up charge of sedition—a charge which in the ordinary course of law the Government should have prosecuted; but in this instance they shrank from doing so. It was not until the middle of November, 1879, that the Treasury on the application of the Lord Lieutenant, authorized the Commissioners of Public Works in Ireland to lend money to owners of land, or, in other words, it was not until the middle of November that the Government took the first step to stave off the distress, which was then in full swing. They issued a Circular under date of 22nd November, and on the 12th of January, 1880, there was a fresh Notice amending the former one, and offering loans on still more favourable conditions. These loans were offered to landlords and to sanitary authorities for the execution of works of employment, and also for the purpose of executing works which sanitary authorities could execute under the Acts authorizing their existence. It was now found by the Report just issued by the Dublin Mansion House Committee, the chief charitable association in Ireland, that the net result of all the exertions of the late and of the present Governments had been the employment of 15,000 people on works of relief out of 500,000 who were in want. And at what expenditure was this infinitesimal result arrived at? The Act of last Session authorized a loan out of the Irish Church Fund of £750,000. The whole of that loan had been drawn out—nay, more, it had been largely exceeded, so that the present Government were obliged to come to Parliament for fresh powers, by which they sought by the Bill under notice to make an additional advance of £750,000, notwithstanding that the whole of the loan authorized by the Act of last Session had been largely exceeded. It was found that up to the present the result was that employment had only been found for 15,000 out of 500,000 persons who were in want. Such a fact alone was sufficient to condemn the Bill now before the House; and if they really wanted to relieve distress in Ireland they must go further than the limit of the Bill proposed. The chief

provisions of the present measure were (1), the advance by the Irish Church Temporalities Commissioners of another £750,000 for the purposes of loans to the owners of land in Ireland; (2), power was given to the Commissioners of Public Works, with the consent of the Treasury, to make loans to railway and other public Companies having borrowing powers, upon the security of baronial guarantees given by extraordinary presentment sessions; and (3), a small grant was to be given of £30,000 for fishery piers. With regard to the proposal of doubling the grant to the owners of land in Ireland, he failed to find the slightest justification for such a course as regarded the ostensible purpose of the Bill—the relief of distress in Ireland. He failed to see on what grounds the Government now came to ask Parliament for a fresh application of £750,000 for such a useless undertaking. If the Government had shown that the application of the money already spent was of any advantage, or that any appreciable portion of it had reached those who were really in distress, he could then have understood their contention; or if they had been able to show that any proportion of the money which they now asked from Parliament was likely to reach the really destitute, he could understand their application; but as the Government had not professed that this money was to be used for the relief of distress, or that a very small and almost appreciable portion of it was likely to be applied for that purpose, he thought the House would not be doing its duty if it sanctioned the diversion of money for such an object. By the latest information—they had not, however, received very late information on the subject from the Chief Secretary for Ireland—it appeared that about £250,000 had been issued to owners of land in Ireland. How much of that sum had probably reached the persons who were in distress? They could not assume that out of £250,000 issued in that way more than two-thirds or one-half had actually been expended, because it was obvious that the expenditure of a sum of money for that purpose must take a considerable time. But assuming that two-thirds of £250,000, which was a very liberal estimate, had been actually expended by the landlords

who had received it, how much of those two-thirds had probably reached the hands of the people who were in want of bread? Works of improvement, which were easily undertaken by owners of land in Ireland, required a considerable expenditure in skilled labour and material. Iron, timber, Portland cement, lime, drainage tiles, and so forth, had to be purchased; masons, carpenters, slaters, and other skilled mechanics had to be employed, and paid high wages. It would not, therefore, be an unreasonable assumption to state that of £180,000 expended by the landlords, not more than half, or £90,000, had as yet been expended in wages for unskilled labour. Of the £90,000 it would be a very liberal assumption to say that, up to the present time, only one-half had been applied to the relief of the people who were in actual distress. These relief works were scattered all over the country. The noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) had stated that of the numerous applications made by landlords in the scheduled districts only 63 had been refused. They might, then, fairly assume, from information which he (Mr. Parnell) had received from those who had a knowledge of the facts, that the works set on foot were not, so far, at any rate, as the majority of them were concerned, in localities where distressed persons could obtain employment. Therefore, he was fully justified in reducing the sum to one-half—namely to £45,000. There was another objection to the principle of granting money to owners of land apart entirely from the uselessness of the application, so far as the relief of actual distress was concerned. Landowners in many cases used the money lent to them as a leverage to obtain the payment of rents from their tenants. It was worked in this way—the tenants who could not pay rent were, he had heard, informed that unless they paid it no works of improvement would be executed on their farms; and those tenants who did pay were favoured in comparison with those who could not pay, and if the latter were employed they were told that they would have to give back in the shape of rent the money they received for their labour.

Mr. W. E. FORSTER said, he should like to have an authentic instance of this brought under his notice.

MR. PARNELL said, he was speaking generally of scheduled districts, and he could not then give particular instances. It was obvious that one of the chief designs of the late Government was not to relieve the distressed, but to relieve landlords who could not obtain their rents with the same celerity as formerly they could. He had no doubt that the leverage had been used and would be used again to a considerable extent. A further objection to the proposal of Her Majesty's Government was, that this sum of £750,000 was to be taken out of the Irish Church Fund. That application he considered to be in direct contradiction of the statute, as that fund was the only one which was available for many purposes in Ireland. It was exceedingly hard that the Government should seize upon that fund to provide against the consequences of an occurrence which was the result of the neglect of Parliament in years past. They might fairly ask, what was the necessity for such an appropriation of the fund? The security for the repayment of the sum to be advanced was unimpeachable. All former loans for the improvement of Irish land had been duly repaid; and why, therefore, should not this loan be advanced by the Imperial Exchequer, and the Irish Church Fund be left for purposes which might obtain the sanction of the majority of the Irish constituencies? Then, again, the Church Commissioners had no capital—they had only an annual income, and in order to make advances were obliged to borrow—sometimes from the Savings' Banks. In this case he understood they would have to borrow from the Commissioners for the Reduction of the National Debt. The money was to be borrowed at 3½ per cent, and was to be lent to the landowners at 1 per cent, so that there would be an annual loss to the fund of 2½ per cent, and that for a period of 37 years would amount to £250,000. If they agreed to take the money from the Imperial Exchequer, would it not be a fair and generous thing at least to lend the money at the same rate as it was proposed that it should be borrowed? He believed the calculated surplus of the Irish Church Fund was only about £4,000,000 at the present time, and the proposed charge of £1,500,000 would reduce it to £2,500,000. It was, therefore, obvious that the utility of the fund,

in any future emergency, was very much impaired. It appeared to him that the ultimate loss to the fund would be avoided by the course he suggested; and he had reason to believe that the matter was so important that if a concession were made on that point, the opposition to the Government proposals would, he believed, be very much diminished. The next provision of the Bill was one by which power was given to the Commissioners of Public Works, with the consent of the Treasury, to make loans to Railway Companies and other Companies in having borrowing powers on the security of baronial guarantees obtained at extraordinary presentment sessions. That clause might shortly be described as the railway clause of the Bill; and he could not imagine how the Chief Secretary for Ireland could have been induced to pitchfork, so to speak, these clauses into the Bill if he had given the subject proper consideration. Under the present law, Railway Companies, before coming to Parliament for their Bills, were entitled to apply to baronial sessions for a guarantee. Up to 1874 the presentment of baronial sessions and the fiat of a Grand Jury were the only conditions requisite for the purpose of obtaining a guarantee; but in 1874 the House of Commons, in order to prevent the misuse of the grants, and to provide certain local checks and guarantees against jobbery, adopted a Standing Order by which the consent of as many local bodies as possible should be obtained before the Railway Companies could get a guarantee, and in addition to the baronial presentment, it became necessary that the consent of a Board of Guardians should be obtained before the guarantee could be granted. Thus they had, first of all, the check provided by the necessary consent of the Board of Guardians; secondly, the presentment of the baronial sessions of the associated cesspayers; third, the Grand Jury finding; and fourth, the power possessed by the rate and cesspayers to traverse the presentment before a Judge at Assizes. Thus there were four distinct checks provided by the Legislature in order to prevent abuse; and, although they had been found insufficient for their purpose, yet the clauses of the right hon. Gentleman proposed to sweep away those checks at one blow, and to introduce a variety of other changes by the proposed clauses.

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The Lord Lieutenant could call an extraordinary presentment sessions, and then a Railway Company which had previously failed in obtaining its baronial guarantee, which had gone before Parliament and obtained its Acts, and had been granted powers on condition that the whole of its capital should be subscribed, and one-half of it paid up, could now come forward and obtain a baronial guarantee without any check or hindrance from the extraordinary baronial presentment sessions convened by the Lord Lieutenant, and without having to fulfil any of the conditions provided by the Legislature as to capital. In other words, the Company, which had been unable to obtain its presentment before, and which had been unable to obtain a 6*d.* of capital or even its expense, could come forward and levy black mail by casting itself on the unprotected ratepayers, and obtain a guarantee for its own advantage and benefit. Before he left the Railway Companies he wanted to point out that the power which was to be granted by the Legislature might act in a very unexpected manner, and in a way not at all intended by the promoters of the Bill. There was nothing in the clauses as they at present stood to prevent any of the great Railway Companies in Ireland, such as the Great Southern and Western, the Dublin, Wicklow, and Wexford Railway, the Midland, Great Northern, and others, with plenty of means for obtaining capital for the prosecution of any work which was likely to pay—there was nothing to prevent them from enlarging their resources by obtaining baronial guarantee under the provisions of the Bill for the maintaining a branch line which could not possibly pay directly, but which might be of indirect value to the line, and which might act as a feeder to traffic on the main line, but be a work which, at present, and for all time hereafter, would necessarily be a burden on the ratepayers. With respect to the interest on the capital raised in the construction of the works, there were many branch lines which could be made which would be very useful to the main line, and which would probably pay indirectly, but which would never pay back directly any portion of the capital used in their construction; and there was nothing in the clause to prevent Companies such as those he had described from obtaining

But if they attempted to deal with it by means of measures which were not real and thorough they would find themselves greatly mistaken. As to the Bill, he hoped the House would get into Committee upon it as soon as possible, and endeavour to amend it. In that case, he had no doubt the Chief Secretary for Ireland would give his earnest attention to any suggestion that might proceed from Irish Gentlemen.

MR. J. N. RICHARDSON said, that there was no one more anxious than he was that the tenantry of Ireland should be assisted by the Government to purchase their holdings when those holdings were in the market, and the subject was one which would, he hoped, engage the attention of the Government. He would not oppose the Bill, and was extremely pleased to hear that, as he now apprehended, the Motion for its rejection had only been made in order to have a discussion upon the measure. The objections, as he understood, to the Bill were: first, that "the more" was taken from the Irish Church Fund; secondly, that too great facilities were given to lend money to landlords; and, thirdly, that the money was not going with sufficient speed into the hands of the people who required it. For his own part, he saw no objection to dealing with the Irish Church Fund for the purpose; indeed, he thought it could not be put to a use that was less of Party character and more of a national one than that of clothing the naked and feeding the hungry, although he was aware that there were thousands of persons by whom such a proposal would be opposed. As to money being lent to the landlords, he would merely observe that he did not sit in that House as the nominee of the landlords, while, at the same time, he had some difficulty in seeing to whom else it was to be lent in the districts where distress prevailed, inasmuch as they were, in all probability, the only persons who could give the necessary security for its repayment. He wished, however, that the Government might be able to see its way to lending money direct to the tenant farmers; and he was sure that and other matters would receive the best attention of the present Chief Secretary for Ireland, the announcement of whose appointment to his present Office he had hailed with unalloyed pleasure, and who,

he hoped, when he went over to that country in the autumn, would not forget to pay a visit to the North.

MR. O'SHAUGHNESSY said, the avowed object of the Bill was to prevent distress; but, if there should be further distress, consequent upon failures of that year's crops, neither the last Bill, nor this Bill, would be adequate to deal with it. If there should be another failure of crops, he hoped the present Government would not follow the example of their Predecessors in postponing its consideration, but would summon Parliament to deliberation upon it. But, as far as they were then concerned, they had only to deal with the distress until the harvest was reached. He asked, therefore, whether the provisions of the Bill were adequately sufficient to meet the distress during the next three or four months; would the money be spent usefully; and, was the machinery of supply a proper one? His opinion was that the provisions of the Bill calling for another £750,000 from the Irish Church Fund were not well and economically calculated to meet the distress for the next few months. These clauses had been on the Statute Book for a considerable time, and before they were on the Statute Book the Executive Government had obtained certain powers, and yet it was on charitable donations all over the world that the Irish people had to depend. The former Act, of which this Bill was a continuation, did not effectually relieve distress. Out of the £750,000 then voted, only £180,000 had found its way out of the Treasury into the pockets of the landlords, and of the latter sum, not more than a third or a fourth had actually reached the pockets of the people who were intended to be employed when the £750,000 was voted. Further than that, he had seen distressed districts that were scheduled where the people were on the point of dying, in which no money was asked for by the landlords. He thought the system which had been followed was useless. It was often the case that in one parish, where, perhaps, there was no landlord, people were starving; while, in an adjoining parish, works were going on, not, indeed, useless works, but works which employed persons who were not in dire distress, and were carried on simply for the improvement of the property on which they laboured. It seemed

have to guarantee in all cases one-fourth of the excess expenditure. That was a proposition which he felt sure very few of them would feel inclined to accede to. There were a number of other objections to the details of the Bill which would, however, be best used in Committee; and, therefore, he proposed to pass them. Finally, the Canadian and Liverpool Fund granted £15,000 towards the fishery piers, and the Chief Secretary for Ireland only proposed to grant double that amount, namely—£30,000. If the right hon. Gentleman wished to carry out his avowed intention he would have to grant at least £45,000. The amount mentioned was altogether illusory, because Ireland had received nothing for a number of years from Parliament towards the erection of the fishery piers. Since the Union Scotland had received over £1,000,000 in grants in aid of fisheries, while during the last six years Ireland had received nothing at all; while he was informed that if the miserable pittance of £30,000, which had been mentioned, was granted, nothing more would be given for the next five years; in fact, the Chief Secretary for Ireland had set his bait with the little sprat of £30,000 in order to catch the magnificent mackerel of £750,000. For his own part, he (Mr. Parnell) felt disposed to leave the money in the hands of the Treasury. He did not intend to oppose the second reading of the Bill; but it seemed to him that it would be the duty of the Irish Members to try every possible way to amend it in Committee. At present it was practically a sham Bill. It did not fulfil the object it had in view—namely, the relief of distress in Ireland. It did not touch it. If they voted the money asked for, neither the £750,000 nor the £450,000 would reach the people for the next six months, which was when they wanted it most. He thought the Chief Secretary for Ireland had really underestimated the magnitude of the distress. He thought there would be a good harvest. He was sure he (Mr. Parnell) hoped there would be a good harvest; but not one good harvest, nor two good harvests, would remove the pressure in Ireland. The potato crop was, he was glad to say, doing very well, and it appeared to be one of the best that had been in Ireland for many years; but, at the same time, he must say the real suffering was due not so much to the

failure of the potato crop in the past as to other causes. The distressed districts were generally those in the West of Ireland, where there were a large number of small holdings—little strips of land—and the tenants of those places were more in the position of labourers than that of farmers. There were about 150,000 of these holdings. Those men had been in the habit of going to England and Scotland and working for the farmers there in times of distress; but, owing to the state of manufacture in England, the urban population of England had been driven to the country, and had taken the employment which used to be taken up by the Irish tenants. The consequence of that was that those men had scraped up every farthing of money to go to England in search of work, and when they got there they were utterly unable to obtain it. It was a great mistake to suppose that the poorer classes lived now, as they did before the Famine, entirely on potatoes. They lived far more upon Indian meal, which it required money to buy, as it required money also to pay their rents; and even if they had a good harvest the landlords might step in and seize the crops for the rent. The Bill of the right hon. Gentleman would not prevent that. He did not agree with his right hon. Friend the Member for Carlow (Mr. Gray) that the Irish Members could throw their responsibility upon the Government. The constituencies of Ireland had made the greatest sacrifices to return them; and if they threw their responsibility on the Government the constituencies would be deeply and bitterly disappointed. Therefore it would be their duty on that and any future stage of the Bill to point out its utter unsuitableness for its ostensible purpose, and to show the Government how they could meet the distress, which was still of great intensity. He proposed, when the Bill reached the Committee, to ask the House to assign the £750,000, which was intended by the Bill to go to the owners of land, instead of that to assign it to Boards of Guardians in Ireland, thus enabling them to lend money directly to occupiers willing to improve their land. He felt convinced that in no other way could they have the slightest hope of rescuing 500,000 of the Irish peasantry from the last stage of pauperism. In no other way could they check pauperism and emigration, which in time

Mr. Parnell

people of Ireland had a strong claim for a grant from the Imperial Treasury in aid of the distress. They had received grants from Canada and from the Government of the United States, and he believed from the free Federal Chambers of several of those States. He wanted to know whether this Imperial Parliament, having on its shoulders the responsibility for the state of things now existing in Ireland, was going to refuse that at the present time? If anything was wanted to show that the Government saw that responsibility, it was that during the last few days they had signified their intention of proposing to restrain the unjust power of the landlord of evicting his tenants, and of treating the provision as a measure of relieving distress in Ireland.

MR. FINDLATER suggested that, instead of raising frivolous objections as to the utility or inutility of the Bill, and attributing *laches* to the late Government in regard to measures for relieving the distress in Ireland, hon. Members would do better service to the country by reserving their thoughts for Committee, and endeavouring there to make the best they could of the measure.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. FINDLATER, proceeding with his remarks, strongly urged that this was not the occasion for lengthened debate on points of detail, or on matters which were practically beyond the range of the Bill, and that further discussion should be reserved for Committee; that, at any rate, Members should confine themselves as much as possible to suggesting Amendments to which in Committee effect might be given. The Chief Secretary for Ireland had shown a sincere desire to forward the interests of the Irish people; and he would, no doubt, give any such suggestions his best consideration. With regard to objections which had been taken as to what was called subsidizing the landlords, he thought that some of them might be obviated by inserting in the Bill provisions which would insure that the money advanced should be spent within a reasonable time and in a proper way. It might also be possible by some provisions in the Bill to accelerate the action of the

Board of Works and the Treasury in regard to advances of money; but those were matters which could best be considered in Committee. In any case, care ought to be taken to give relief as far as possible in the form of employment, so as to avoid the demoralizing consequences of eleemosynary aid. He regretted that the hon. Member for the City of Cork (Mr. Parnell) did not agree to the second reading of the Bill, to which, for his own part, in the absence of any better scheme, he (Mr. Findlater) should give his most earnest support.

MR. LEA said, that, representing one of the counties which had suffered most, he must say that he did not regard the Bill as a very practical measure, or one which would be completely effectual for the relief of distress in Ireland, which, indeed, could not be completely accomplished by any system of relief that could be devised. That might have been done by the late Government if the proper measures had been taken for that purpose six months ago; but the present Bill could only be looked to as a means of affording relief by giving the people the opportunity of earning wages. He was of opinion that if anything effectual was to be done to prevent distress in the future, it would be necessary to reform the existing wretched system of county government, which was antiquated and altogether useless for any practical purpose; and he hoped that some measure dealing with that subject would be introduced next Session. With regard to handing over all the money to the landlords, a course to which exception had been taken by the hon. Member for Cork (Mr. Parnell), he (Mr. Lea) was himself of opinion that it would be better if half of it were handed over to the tenants, and any provision to that effect would receive his cordial support. He represented a county in which there was hardly a railway at all, and distress existed chiefly in that part of the county which was furthest away from railways. What greater benefit could be given to his county, and to other counties in a similar condition as to railways, than a promotion of the railway system? He did not see, therefore, why powers in that respect should not be given to the Boards of Guardians as well as to baronial sessions—the former being the more representative of the two bodies.

ment took power to distribute another £750,000, looking to what might occur in the immediate future. He also thought it would be well to associate another Gentleman with the right hon. Gentleman the Chief Secretary for Ireland to act as trustees of this money. He was quite sure that there were many hon. Gentlemen in Ireland who would give their time and take the trouble freely and willingly in order to see that the money was properly applied. If this was done, there would be no suspicion in the mind of anyone that the funds were thrown away. He fully agreed in the suggestion that had been thrown out by the hon. Gentleman opposite, which was similar to that which he moved during the last Session—namely, that money should also be given to the tenant farmers for draining and improving their land. He urged this point upon the Government, and also brought it before the House; but he was sorry to say that the then Government would not look at it for a moment. He pressed the matter upon the present Government, as he was convinced it would do great deal of good. It would have given the working class and the farmers a feeling that something was being done for them. It would have given them some sense of independence, and it would have been very easy to carry it out. Boards of Guardians could have supplied the machinery for collecting it, and they would have guaranteed the security of the money, so that there would have been no possible loss to the fund. A good many people in Ireland were feeling that this Government was doing something for the tenant farmers. Although this money did not go into the landlord's pocket, but went through his pocket, there was still a suspicion in the minds of a good many that the landlord would get a good deal for himself. As to having the £750,000 out of the Public Exchequer, he should be glad to get double as much out of the Public Exchequer if he could; but he was afraid there was not much chance of that. He must say that, looking at the whole question, he thought the manner in which the late Government had acted in this matter had been most niggardly—they refused to lay any part of the burden on Imperial funds. That, he believed, had a very injurious effect in Ireland. They could only secure the goodwill of the people of Ireland by treating them generously as

well as fairly. He felt there was great cause to complain of the want of generosity towards Ireland. They might depend upon it that they could only get the goodwill of the people by treating them generously as well as fairly. They had a great deal of cause to complain of want of generosity on the part of the English Government towards Ireland. The industries of the country were crippled. Their property seemed to be wasting away, and he did not see much probability of improvement if the present management of Irish affairs continued. A wise thing to do would be to place £4,000,000 or £5,000,000 in the hands of a small commission of Irish gentlemen to lend, in order to foster industry in the country. They could not possibly have a people satisfied and contented if they saw no means of earning a reasonable livelihood without emigrating to America. He had not the slightest doubt that it would be a wise thing for the Government in some way to give more freedom and elasticity to the power of borrowing money on public works in Ireland. He also thought that sufficient precautions were not included in the present Bill. In many Acts that he was acquainted with in which guarantees were asked for railways every precaution was taken; and if such precautions were not put into this Bill with regard to railways, that could not be put into force at all, because it was supposed by this Bill that the Railway Companies had got their Acts. For instance, power of appointing arbitrators and various other powers were always given; and if this Bill went into Committee he thought it would be very wise to insert similar provisions. A shilling rate for railways—one-half to be paid by landlords and the other by the tenant—would absolutely raise the value of the land and be a great benefit to the tenant. If they looked at the expenditure of public money in Ireland, they must be struck with the immense inequality between that country and England. In Ireland there was hardly anything occurring in the way of out trade. Now, it was the duty of Government to look to this part of their duty, and to make the Irish feel that the Government now in Office were different to the late Government, and that they intended to bring about a very different state of things in that country. He believed Government were anxious to do their best.

But if they attempted to deal with it by means of measures which were not real and thorough they would find themselves greatly mistaken. As to the Bill, he hoped the House would get into Committee upon it as soon as possible, and endeavour to amend it. In that case, he had no doubt the Chief Secretary for Ireland would give his earnest attention to any suggestion that might proceed from Irish Gentlemen.

MR. J. N. RICHARDSON said, that there was no one more anxious than he was that the tenantry of Ireland should be assisted by the Government to purchase their holdings when those holdings were in the market, and the subject was one which would, he hoped, engage the attention of the Government. He would not oppose the Bill, and was extremely pleased to hear that, as he now apprehended, the Motion for its rejection had only been made in order to have a discussion upon the measure. The objections, as he understood, to the Bill were: first, that "the more" was taken from the Irish Church Fund; secondly, that too great facilities were given to lend money to landlords; and, thirdly, that the money was not going with sufficient speed into the hands of the people who required it. For his own part, he saw no objection to dealing with the Irish Church Fund for the purpose; indeed, he thought it could not be put to a use that was less of Party character and more of a national one than that of clothing the naked and feeding the hungry, although he was aware that there were thousands of persons by whom such a proposal would be opposed. As to money being lent to the landlords, he would merely observe that he did not sit in that House as the nominee of the landlords, while, at the same time, he had some difficulty in seeing to whom else it was to be lent in the districts where distress prevailed, inasmuch as they were, in all probability, the only persons who could give the necessary security for its repayment. He wished, however, that the Government might be able to see its way to lending money direct to the tenant farmers; and he was sure that and other matters would receive the best attention of the present Chief Secretary for Ireland, the announcement of whose appointment to his present Office he had hailed with unalloyed pleasure, and who,

he hoped, when he went over to that country in the autumn, would not forget to pay a visit to the North.

MR. O'SHAUGHNESSY said, the avowed object of the Bill was to prevent distress; but, if there should be further distress, consequent upon failures of that year's crops, neither the last Bill, nor this Bill, would be adequate to deal with it. If there should be another failure of crops, he hoped the present Government would not follow the example of their Predecessors in postponing its consideration, but would summon Parliament to deliberation upon it. But, as far as they were then concerned, they had only to deal with the distress until the harvest was reached. He asked, therefore, whether the provisions of the Bill were adequately sufficient to meet the distress during the next three or four months; would the money be spent usefully; and, was the machinery of supply a proper one? His opinion was that the provisions of the Bill calling for another £750,000 from the Irish Church Fund were not well and economically calculated to meet the distress for the next few months. These clauses had been on the Statute Book for a considerable time, and before they were on the Statute Book the Executive Government had obtained certain powers, and yet it was on charitable donations all over the world that the Irish people had to depend. The former Act, of which this Bill was a continuation, did not effectually relieve distress. Out of the £750,000 then voted, only £180,000 had found its way out of the Treasury into the pockets of the landlords, and of the latter sum, not more than a third or a fourth had actually reached the pockets of the people who were intended to be employed when the £750,000 was voted. Further than that, he had seen distressed districts that were scheduled where the people were on the point of dying, in which no money was asked for by the landlords. He thought the system which had been followed was useless. It was often the case that in one parish, where, perhaps, there was no landlord, people were starving; while, in an adjoining parish, works were going on, not, indeed, useless works, but works which employed persons who were not in dire distress, and were carried on simply for the improvement of the property on which they laboured. It seemed

to him, therefore, that the system which they were called on to continue had failed in its main object of relieving distress, and that where the people were threatened with poverty and starvation such legislation was not adequate to save them from such a calamity. What, then, was the true direction of legislation? The right hon. Gentleman had discovered it at the eleventh hour. It was to save the small holders of land, during the trying time that had come upon them, from eviction, and to enable them to use the little money they had earned to find food, and not to turn them completely into paupers. He (Mr. O'Shaughnessy) was afraid it was almost too late to do so now. If, three or four years ago, they had a firm hold given them on their tenancies, he believed that, even in that short space of time, the spirit of industry would have been so roused that they would have had better hearts to meet distress; and, if it were done at once, it would do more to nerve them against what was to come than anything else that could be done, or had been done hitherto. It was not necessary to point out the connection between this and the relief of distress, for the Government had seen it, and had remembered it in this Bill. If the people were obliged to hoard their money to pay their rent they would be starved, no matter what amount of money was given to the landlords. If there was any security that the money handed to the landlord at so low a rate of interest would not be made the machinery of exacting from the occupiers of the land a higher rate of interest, he should not quarrel with the low rate of interest; but he complained that the landlord got money at 1 per cent, and would be able to charge the tenant 5 per cent, if he chose, on the outlay of the money on the land. The only way to meet this was to give the tenant a fair tenure of his land, and protection against the undue raising of his rent. They did not know how far the sum now called for was wanted; they did not know the nature of the improvements sought to be effected; and they could not say with anything like accuracy what had gone to this or that scheduled Union. The evidence had not been printed, and until it was printed there were no clear facts to judge from. In the end the burden of this distress would fall on the

ratepayers of Ireland. The true remedy, and the only one which the Government had left to them at that moment, was to grant out of the Imperial Treasury a sum to relieve the ratepayers of Ireland of the heavy rates they would have to pay to meet the distress. He again said that this distress would not have arisen if there had been proper land tenure in Ireland; and it was because all demands of such tenure had been refused that this burden would fall on the ratepayers. He, therefore, had a just claim to come to the House to get some assistance from Imperial taxation. If there had been a fair land tenure the men on whom the distress had fallen would have something laid by against a rainy day, and would not be in the miserable position in which they were; and if then they had had one or two bad seasons, they would not have been worse than the occupiers in other countries, where the Land Laws were better, and who had been able to lay by something. He believed, therefore, the Bill would do very little good in the direction in which it was addressed—the relief of distress. He believed the landlords might make the power obtained under the Bill an instrument of extortion. The clause which referred to railways must be very narrow indeed in its operation. He understood it would not apply to the relaying of rails, but only to Railway Companies which had works authorized but not constructed. Before they legislated at all in this direction, he thought they were entitled to hear from the right hon. Gentleman the names of the railways which could make use of the powers of the Bill. Again, unless a railway really ran through the heart of a distressed district, it would not do much to relieve the distress; for if the people had to go miles to their work they would prefer to go on out-door relief, and he should think they would be quite right. A further question would arise whether the money so spent would be economically spent. They had not to consider whether landlord or tenant would be benefited by improvements, or whether railways would be made, but whether the people who wanted bread or fuel would get it. He did not look with much approval on the railway clause, and he should expect to see laid on the Table a list of the railways to which it would be applicable. He thought the

Mr. O'Shaughnessy

be advanced to landlords for drainage and other improvement works, that being considered the best way of meeting the distress. The Government, however, were disappointed to find that the terms on which this money was offered did not attract the landlords; and on the 12th of January following another and a more liberal notice was issued, offering money without any interest for the first two years and at 1 per cent afterwards. No one objected to that when the House met in February, and the result was that a large sum was applied for. The second notice had, perhaps, succeeded too well; and now complaint was made that the amount borrowed by the landlords, £1,250,000, was too large. But who was responsible for that? The question was not one of Party; and as everyone in the last Parliament was responsible for the offer, Her Majesty's present Government had felt themselves bound to provide funds with which to carry out the offer made by the late Government, sanctioned by the last Parliament, such offer being also one which the landowners were perfectly entitled to accept, regarding it purely from the point of view of their own interests. It was all very well to say that the landowners, as compared with tenants, should not be allowed to make profit out of the offer of the Government; and, as far as he knew, there was no wish on the part of the Government that any such profit should be made. But he also saw no reason why a scheme which seemed just should not be carried fully into effect, though it had been brought before Parliament and carried by a previous Administration, with, of course, different views on questions of general politics. There had been no concealment about the matter. It had been openly and fully discussed, and when it was under discussion it was described by several of the Irish Members as an admirable measure. The statute then passed confirmed the offer of the 12th January, and all loans made under it; and was it not the duty of the present Government to see that the engagements so made to the landlords were kept, and that the money promised to them should be forthcoming? That was the explanation he had to give for the 1st clause of that Bill.

MR. PARNELL: I am asking what amount of loans was sanctioned up to

the time the late Government went out of Office?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): The amount must be practically the same as now, because all the applications had to be made before a certain date—namely, the 29th February. It was to meet the demands of those who thus applied for loans that this large sum was now required. The present Government when they came into power found that about £1,250,000 had been applied for. It would not be just or right for them to attempt, under the pretence of not sanctioning loans, to keep down the amount. But not only had the amount he had stated been applied for, but it had been actually sanctioned before the present Government came into Office; and all that remained for them was to keep faith with those whose applications had thus been made and sanctioned. The matter was practically one of contract entered into by the late Parliament with the landlords; and he thought hon. Gentlemen would feel that contract must be honestly kept. Passing on to what the present Government had introduced into the Bill for the purpose of affording additional relief of distress, he (Mr. Law) might perhaps be permitted to say that it had been pressed upon them from different quarters that one of the best means of relieving the distress would be to assist in some way the construction of earthworks for railways. It appeared to some of those with whom he acted that there was a good deal in that suggestion. In some parts of Ireland—in Donegal, for example—there were two or three railways for which Acts had been already obtained; but the promoters could not get money from the Treasury without some security beyond that of the railways themselves. There was the West Donegal Railway, running northwards from Donegal to meet the Derry lines at Stranalar; and there was the competing railway running from Donegal eastwards to catch the Great Northern system at Helleck. Both these railways passed through poor districts, which were incapable of raising money in the ordinary way; and the landlords were not in a position to come forward and give the collateral security which the Government required. In addition to these, another railway was, he believed, to be constructed in the county of Clare. It

He recommended also that larger advances should be made towards building and improving piers in connection with the Irish fisheries. They must look to the right hon. Gentlemen on the Treasury Bench to take care that the people did not starve.

MR. BIGGAR said, that he had put down a Notice of Opposition to the Bill in order to secure a full discussion of the measure, and because it was as worthless a measure as could be expected from a right hon. Gentleman who knew nothing of Ireland. It had been said that the present Chief Secretary had conferred an honour upon Ireland by becoming Chief Secretary. He was disposed to join issue on that matter, because he thought a Gentleman by getting a high position did not pay a compliment to anyone. As to the qualifications of the right hon. Gentleman, they had in the last Government a Chief Secretary for Ireland whom it was the custom of Irish Members to ridicule. The only difference that he saw between those two right hon. Gentlemen was that the former Chief Secretary had Tory views and stuck to them; the present Chief Secretary spoke very kind words sometimes; but, as far as the present Bill went, he did not propose anything better for Ireland than the late Government. The right hon. Gentleman called this measure a Bill for the relief of distress in Ireland. But he (Mr. Biggar) was disposed to amend the title, and call this a Bill for the relief of the distress of landlords in Ireland, because landlords would get a very much larger amount under the provisions of this Bill than other people in Ireland. One grievous proposal was that this money was to come out of the Church Fund. In his opinion, the Irish Church Surplus should be kept for some better purpose than putting money into the pockets of the landlords. It would be difficult, under the provisions of this Bill, to insure a proper distribution of the money to be given to the landlords among the people who were in distress; and in any case none of it would reach the hands of the small tenant farmers on the mountain sides, by whom the distress was the most severely felt. The 3rd and 4th clauses were drawn in a very loose manner, and they gave authority to a very irresponsible body, because it allowed the presentment ses-

sions to borrow money and to pledge the rates, without any guarantee that any relief would reach the distressed poor. Railways and other works were to be undertaken; but what guarantee had the ratepayers that such works once begun would be carried through? Instead of reading the Bill a second time, it should be sent back to the Government for them to produce something more reasonable. The Bill would not relieve the distress at all, and it would be no use. In his opinion, it would be no grievance to the Irish people if this measure was put back; and he advised the Government to withdraw it, with instructions that they should prepare one more calculated to effect the purpose desired.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) thought that in some of the remarks which had been made they were hardly doing sufficient justice to the last Parliament or to themselves. Last Session all were agreed that the distress should be relieved efficiently so far as was practicable, and they wanted to have a Bill for the purpose passed as soon as possible. With regard to the discussion which had taken place, he wished to mention a few points, because it seemed to him that justice had hardly been done to the late Government with respect to the loans made to landlords. He had looked through the debates that had taken place in February and March; and he found that, although the subject was then touched upon, there had been no earnest opposition to advances of money to landlords for the employment of unskilled labour in the improvement of their land. The great anxiety was that immediate steps should be taken to relieve the distress in Ireland by employing the people; and perhaps they might not have been sufficiently careful as to the way in which the relief should reach the people. There was, in fact, no substantial objection raised to the money being lent to landlords; though there was a general desire, and one hon. Member certainly did press on the Government, to take care that the improvements effected by means of the money advanced should not be made by the landlords the ground for unduly increasing the rents of their tenants. The late Government had in November last issued a Notice that money would

be advanced to landlords for drainage and other improvement works, that being considered the best way of meeting the distress. The Government, however, were disappointed to find that the terms on which this money was offered did not attract the landlords; and on the 12th of January following another and a more liberal notice was issued, offering money without any interest for the first two years and at 1 per cent afterwards. No one objected to that when the House met in February, and the result was that a large sum was applied for. The second notice had, perhaps, succeeded too well; and now complaint was made that the amount borrowed by the landlords, £1,250,000, was too large. But who was responsible for that? The question was not one of Party; and as everyone in the last Parliament was responsible for the offer, Her Majesty's present Government had felt themselves bound to provide funds with which to carry out the offer made by the late Government, sanctioned by the last Parliament, such offer being also one which the landowners were perfectly entitled to accept, regarding it purely from the point of view of their own interests. It was all very well to say that the landowners, as compared with tenants, should not be allowed to make profit out of the offer of the Government; and, as far as he knew, there was no wish on the part of the Government that any such profit should be made. But he also saw no reason why a scheme which seemed just should not be carried fully into effect, though it had been brought before Parliament and carried by a previous Administration, with, of course, different views on questions of general politics. There had been no concealment about the matter. It had been openly and fully discussed, and when it was under discussion it was described by several of the Irish Members as an admirable measure. The statute then passed confirmed the offer of the 12th January, and all loans made under it; and was it not the duty of the present Government to see that the engagements so made to the landlords were kept, and that the money promised to them should be forthcoming? That was the explanation he had to give for the 1st clause of that Bill.

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the time the late Government went out of Office?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): The amount must be practically the same as now, because all the applications had to be made before a certain date—namely, the 29th February. It was to meet the demands of those who thus applied for loans that this large sum was now required. The present Government when they came into power found that about £1,250,000 had been applied for. It would not be just or right for them to attempt, under the pretence of not sanctioning loans, to keep down the amount. But not only had the amount he had stated been applied for, but it had been actually sanctioned before the present Government came into Office; and all that remained for them was to keep faith with those whose applications had thus been made and sanctioned. The matter was practically one of contract entered into by the late Parliament with the landlords; and he thought hon. Gentlemen would feel that contract must be honestly kept. Passing on to what the present Government had introduced into the Bill for the purpose of affording additional relief of distress, he (Mr. Law) might perhaps be permitted to say that it had been pressed upon them from different quarters that one of the best means of relieving the distress would be to assist in some way the construction of earthworks for railways. It appeared to some of those with whom he acted that there was a good deal in that suggestion. In some parts of Ireland—in Donegal, for example—there were two or three railways for which Acts had been already obtained; but the promoters could not get money from the Treasury without some security beyond that of the railways themselves. There was the West Donegal Railway, running northwards from Donegal to meet the Derry lines at Stranalar; and there was the competing railway running from Donegal eastwards to catch the Great Northern system at Helleck. Both these railways passed through poor districts, which were incapable of raising money in the ordinary way; and the landlords were not in a position to come forward and give the collateral security which the Government required. In addition to these, another railway was, he believed, to be constructed in the county of Clare. It

seemed probable that, in such cases, a large amount of relief might very advantageously be given by thus supplying to unskilled labour; and his right hon. Friend (Mr. W. E. Forster), after communication with the Treasury, had succeeded in getting the matter so arranged that the collateral guarantee necessary to induce the Treasury to lend money might be in the form of a baronial guarantee. The hon. Member for the City of Cork (Mr. Parnell) said that a baronial guarantee might be oppressive, and did not appear to regard presentment sessions favourably. But presentment sessions were, after all, the only existing bodies which could be said in any sense to represent the localities; and they must first work with such machinery as existed, however imperfect, though he hoped they would not very much longer suffer under the misfortune of not having representative bodies for county administration. It had been said that the presentment sessions might be imposed upon. Well, no doubt that was possible; but certainly, so far as he knew, in the North of Ireland at any rate, they were not at all likely to be imposed upon; and he felt tolerably confident that the farmers, who formed a large proportion of the baronial sessions, were not likely to undertake any guarantee which was not likely to benefit themselves. There was, again, no danger whatever of the sessions giving guarantee for the purpose of bolstering up, as had been said, insolvent Companies. These provisions of the Bill would facilitate the opening up of parts of the country which now much needed proper means of transit; they would give great relief, and might, perhaps, do much to prevent a recurrence of distress and famine in future days. The baronial guarantee would only amount to one-fourth of the whole cost of the works to be carried out; and, therefore, he did not see that any great burden could fall upon the baronies. With respect to the fishery piers, the hon. Member for the City of Cork did not, he understood, object to that portion of the Bill; and he would find, on referring to the Piers and Harbours Act of 1846, that no additional burden would be imposed upon any locality. He thought the House would see that the Government had only endeavoured to keep faith with the landowners with whom engagements had

been made by the late Government and Parliament; and he hoped they would be aided by hon. Members in their effort to have the Bill passed as soon as possible. He could assure them that the Government were most anxious to make the Bill as good a measure as possible for the purposes for which it was designed.

MR. DALY said, if he had understood the facts of the matter right, he gathered from the statement of the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) that the late Government allowed the landlords to borrow £750,000 for the construction of certain works, and the present Bill seemed to be introduced to meet the liabilities incurred by the late Government. To that he did not object. He considered that, although the present measure was a necessary one to carry out the promises made under the Act of 1880, yet neither of the two measures effected the immediate relief of distress, which was the professed object of the Government, inasmuch as the money granted would not reach the pockets of the persons employed within a period of three months. The first and most important question was the necessity of the immediate relief for the distress in Ireland; and he did not think that the means proposed by the Bill were adequate for that purpose. He failed to gather from the right hon. and learned Gentleman who had just spoken that any provision had been made for the completion of the works which had been referred to. That was a most indefensible omission, made alike by the late and by the present Government. In connection with the amount of money applied for, too, he did not understand from the right hon. and learned Gentleman that there was any provision for preventing the landowners whose estates were improved raising their rents without assigning any good cause for doing so. He objected to the application of the Church Fund for the purposes of that Act. There would be a loss of 2½ per cent per annum on what was borrowed, and that in Ireland ought to be looked upon as a national calamity. That fund was intended for purely Irish purposes; and he thought the distress in Ireland was a subject of national interest, and ought to have been met out of national resources. He

its minerals, and the production of its soil would, with the industry of its inhabitants, be sufficient to keep the country in independence and in affluence if a wall of brass 80 cubits high were drawn around the Island. But they asked as suppliants, in the meantime, for what they believed belonged to them. Instead of assuming the grandiloquence of ignorance, and stepping into the *terra incognita* of statesmanship, he would simply say that the Bill declared two things—namely, that there was distress in Ireland, and that the Government were willing to do something to relieve it. Would to God the second declaration were as true as the first! Instead of bolstering up this foundling—for it was no Bill of the present Government, but one which had been discovered among the *spolia optima* of the late Administration—without confusing themselves with it, the Government ought at once to set aside a sum—take it from where they would—for the relief of the existing distress. Thirteen months ago he ventured to say that that distress would be deplorable, and deplorable it had been. In other lands God at times pleased that there should be scarcity of food; but in Ireland poverty and scarcity of food were the normal conditions. He did not think himself justified in arguing as to the eternal purposes of the Ruler of the Universe. It was better to deal solely with what was within our horizon, and to admit at once that much might be done by man himself. Many parts of Ireland were not permitted to produce its fulness, and the people were not permitted to extract from the soil the fruits of the industry they were ready to bestow upon it; and he hoped that when the House was called upon to consider the present unsatisfactory relations existing between the landlords and tenants of Ireland, they would approach the question with a sincere desire to do justice, and he besought the House to decide that night without further delay to relieve the grievous distress of the people of that wretched country.

MR. W. E. FORSTER trusted that they might be allowed to come to a decision that evening. He thought the time had come when he, as having charge of the Bill, should say what he had to say on the subjects touched upon in the debate. He did not know whether the hon. Member for Mayo (Mr. Nelson) and himself were likely to agree upon the

action of the Government, though he did not know why they should differ. He was very glad that the suffering men of Mayo had got so eloquent a Representative to tell to the House their feelings, their wants, their sufferings, and even what they might consider their wrongs, as the hon. Gentleman who had just sat down. He felt that the hon. Member had a right to ask the Government what they had done, during their short period of Office, for the mitigation of Irish distress, and how they had attempted to meet it. This was the middle of June; and when the present Government took Office in the beginning of May, they found, as they had expected, a severe battle raging between distress and relief. That distress, immediate and intense, had been caused mainly by the failure of the crops in Ireland, and, to some extent, by their failure in England also, as causing a less demand for Irish agricultural labour; while, in a much less degree, it had been increased by the competition for labour between the manufacturing and the agricultural districts. Now, he did not wish it to be supposed that, although that distress might be described as the act of God, he would not say that man could do nothing to alleviate it. He thought it was a disgrace to them, and a disgrace to all the Members of both Houses of Parliament—and he did not acquit Irish Members of their share—that they had allowed the state of Ireland to be such that, to apply an eloquent expression used in a former debate, there were only two or three crops between the small cottier tenant in Ireland and destitution and misery. Up to the beginning of May the distress had been met mainly by charitable contributions from all parts of the world, for which he heartily thanked their fellow-subjects in Australia and Canada and their kinsmen in America. He thought it was the right hon. the Lord Mayor of Dublin (Mr. Gray), in a speech full of good suggestions, who stated what he (Mr. Forster) could hardly agree with, that charitable organizations had done what the Government ought to have done. It was said that a far better mode of relief would be by means of relief works; and who could doubt that the most careful exercise of charity, either by Poor Law officials or benevolent committees, must always

lords of Ireland for the improvement of their estates, believing that in improving their estates they would give labour to the poor. Now, he objected to the Church Surplus Fund being applied in that way. If the Government wanted to lend more money to the landlords, he had not the smallest objection to their doing so out of the Treasury funds. With regard to the second mode of advance—namely, that to the presentment sessions, which was to be made out of the Treasury funds, he objected to it on the ground that it would throw a great weight on the ratepayers for 15 years. What, therefore, he should propose was that, instead of the Government taking the loans to be given to the landlords out of the Church Surplus Fund, they should take it out of the Treasury, and that they should advance money out of the Church Surplus to the presentment sessions, reconstituting those sessions and giving them a more representative character, and then the money might be applied in a very useful way to the various localities. But in any case he hoped the Government would not trust to the Board of Works or to the Local Government Board. He made that observation, because he regretted to say that the Chief Secretary seemed to be likely to fall into the error which had cramped the energies of his Predecessors in Office, of inclining too much to the advice of old officials in Dublin. The way in which the Local Government Board in Ireland managed its business was a crying evil and a gigantic shame. He complained that in certain districts works had been rejected, on the Report of the Poor Law Inspectors, which had been sanctioned by the presentment sessions, and also complained of a system of government which could allow of such proceedings. If the Irish people were not allowed to manage their own local affairs their Representatives in Parliament ought at least to have some voice in matters of this kind. If the government of Ireland were to be still carried on by the system of reticence and secrecy which had so long prevailed, he should do all he could to make the English people acquainted with the reality of the evils under which Ireland laboured. There was also a third mode of advance, which consisted of the free gift of £30,000 by the Treasury for the construction of fishery harbours and piers.

Mr. Mitchell Henry

He had no objection to this; but he pointed out that this grant was merely an anticipation of the contribution for the purpose which was authorized by Parliament for those useful works on the coast. He highly approved of the course taken by the Government in appointing a small Committee to adjudicate upon the claims which had been sent in by various localities for harbours; and he wished that the Government would extend the system to other branches of relief instead of leaving the work to Boards of Guardians and other kindred bodies.

MR. NELSON said, his appearance in that honourable Parliament, the decisions of which influenced more or less the opinions of the whole civilized world, was, he humbly submitted, a speech in itself. He believed he represented public opinion in Ireland, and he had been sent there by one of the counties of that Island to express their opinion, and he trusted he would have grace from God to express the mind of Ireland in the minority. What he would say to an open-air meeting he would say in that House. It was a remarkable thing that a man like himself, whose previous groove of action was so removed from active politics, should have been called upon without opposition to come to that House to express the opinion, at any rate, of one suffering county of Ireland. However important to that Kingdom—called by a figure of speech “United”—might be the decision by which they might be led, there was not much evidence, from the empty appearance of many of the benches, that the Parliament of Britain was interested in the condition of Ireland. The Representatives of Ireland appeared constantly in the House as suppliants, and fond Parliament must be of suppliants, when she compelled them thus to appear for centuries, and year after year. Ireland would not always thus present herself. He was not sure that in the history of nations any people had by the attitude of supplication either maintained its liberty or recovered its independence. The British Parliament compelled the Representatives of Ireland to appear as suppliants. He would, however, warn right hon. Gentlemen on the Treasury Bench that they were walking

“per ignes
Suppositos cineri doloso.”

The people of Ireland believed that, by the blessing of Heaven, the resources of

the Reports that he got were more hopeful. One day he might find a Union getting worse—he got one or two bad Reports to-day and yesterday—but, generally speaking, he found them more hopeful. The works, about which so much had been said, were giving much more employment, and many hundreds and thousands of persons were coming over to England, where there was hope of getting work. He believed there was some truth in what was said by the hon. Member for the City of Cork (Mr. Parnell), that many of those who came in the spring were disappointed; but a good many now were successful. The chief business they had to do was to tide over the next two or three months. His hon. Friend who had just sat down (Mr. Nelson) had been rather struck by the difference between the two sides of the House. His hon. Friend's experience of the House was short; but when he had been there a few years he would find that they were not so utterly neglectful of the public good as he supposed, and that there was more agreement in passing practical measures between the two opposite sides of the House and the two Front Benches than sometimes appeared. The late Government had left their successors two or three useful measures. The first was the alteration in the Poor Law, which enabled out-door relief to be given. He (Mr. Forster) was very much obliged to them for it; and his only doubt, looking to the past, was whether it should not have been done earlier. The result had been that occupiers of above a quarter of an acre could now receive Poor Law relief without losing their holdings. There were 37 Unions in which the necessary Orders were now in force, and, according to a Return at the end of last month—he had a later, but had mislaid it—there were 117,000 persons receiving relief in or out of the work-houses. That looked a large number; but it did not come up to the English standard. In England, at this moment, there was just under 3 per cent of the population receiving relief; in Ireland the number was about 2·1, so that, in spite of everything, the weight upon the rates was not so great in Ireland as in England. The next measure carried by the late Government was the Seed Act, which had really done immense good. He wished to take that oppor-

tunity of thanking the late Government for it, and also his hon. and gallant Friend the Member for Galway (Major Nolan), who had much to do with it. He would not say that there had not been some recklessness in the use of that Act; but without it they should have been in the most imminent danger next year. The large sum of £600,000 had been lent under it. He came now to those debateable matters under the Relief Act. He would take the baronial presentment sessions first, because it was only for the loans under these that he was personally responsible. His Predecessor did not sanction any baronial presentment loans, which came up only just before he left Office, and he naturally left them to his successor. The first thing he had to do was to look over the applications, and in almost every case he found work going on under the landlords and sanitary authorities. The hon. Member for Galway complained of the mode in which these baronial sessions were dealt with. What they did was this—they sent down two sets of Inspectors, Inspectors of the Board of Works, and Inspectors of the Local Government Board, to see that the works were useful and that employment was given. Both those conditions were necessary. Unless work was useful it was little better than gratuitous relief, and the very object of lending the money at 1 per cent was to give employment. Although they thought they ought undoubtedly to sanction all the loans on which the two Inspectors were agreed, it did not follow that they should not sanction any where the Inspectors disagreed. Up to June 5, £185,000 were applied for under the baronial sessions, and of that £113,000 had been sanctioned. By a Return which he hoped would be in possession of the House within a day or two, the amount issued before the 31st of May was £32,000, and he believed a great deal more was issued by this time. Hon. Members would find that these works were giving considerable employment even now. The hon. Member for Galway had said that 1 per cent was a delusion. He (Mr. Forster) knew his hon. Friend was never likely to be in a position to require to borrow money; but if he had to borrow money, he would not think it a delusion at all if he were to get it at 1 per cent; and if he was kindly told

be accompanied by some amount of demoralization and some imposition? The very nature of such a form of relief must bring some evil with it. But he knew from some little study of benevolent action, although some hon. Gentlemen might not agree with him, that when those tremendous calamities came upon them they could scarcely meet them by public labour works alone. There must be charitable relief accompanying them, and for this reason—that the people upon whom the distress most severely fell were those who had not any able-bodied man in their family, and who, therefore, could not work, so that public works afforded them no help. After the date he had mentioned—the beginning of May—when he entered upon Office, the charitable funds were not altogether expended—he trusted they were not yet altogether expended—but they were diminishing, and they must continue to diminish. He thus found coming upon him a very formidable responsibility; and without inquiring to what extent the distress was due to the sins of omission or commission of the people themselves, a Government was bound to keep its people from the absolute and final results of destitution. The Lord Mayor of Dublin doubted whether he (Mr. Forster) was aware of the responsibility he had undertaken. He was painfully aware of it. He warned his Predecessor before the Dissolution of Parliament that this would happen. When the very honourable post of Chief Secretary for Ireland was offered to him—and he might say that it was the Office which of all others he would rather have had in any Ministry—he knew well enough that the first thing he would have to deal with would be the state of distress during the two or three months between the diminution of these funds and the harvest. Accordingly he set to work at once to do what he thought the only thing to be done. He only stated what he had endeavoured to do, and what he had been supported by the officials in doing. They had kept the closest possible watch over the distressed districts, especially those worst off; and as the charitable relief must cease, or apparently be largely diminished, they thought that the official relief should step in. Orders were sent to the Inspectors to keep constantly looking through those Unions, and to insist upon

out-door relief where it was necessary; for they knew very well that in some places where it was most wanted—the hon. Member for Mayo could point to two or three—the ratepayers themselves were greatly distressed, because few men of property were living among them; and, therefore, the order to give relief was accompanied with the lending of money to enable the relief to be given. That was the line they were taking, and he really thought they were succeeding. The hon. Member for Galway (Mr. Mitchell Henry) said he (Mr. Forster) must not be content with sitting in the Office reading the Reports. Well, what more would the hon. Member do if he were in his place than read the Reports, bring all the knowledge he could to bear upon them, get all the information he could from other sources, checking them, and wherever he thought there was danger calling the attention of the Local Government Board to the danger? In fact, he really could not charge his conscience with not having done as much as he could. The hon. Member for Galway spoke about young Inspectors. A young man was not necessarily bad for such a business because he was a man of 24. This young Inspector was the son of Mr. Robinson, Vice President of the Local Government Board—though that did not necessarily qualify him for the post—and an old friend who had helped him in the Famine years, Mr. Tuke, who had gone lately through Donegal and Mayo, who travelled with him for some days, gave a very good account of the young man, and said it would be difficult to find a better Inspector.

MR. MITCHELL HENRY explained, that what he had said was that the Inspector in question had disallowed more works than any other Inspector in Ireland; that at least two-thirds of the refusals of the Local Government Board in the counties of Galway and Mayo were due to him.

MR. W. E. FORSTER doubted very much whether his hon. Friend had all the details before him, or if the statistics would bear out that statement. Certainly, the hon. Member did seem to give an impression that the Local Government Board Inspectors were not to be trusted. All he could say, if confidence could not be placed in them, then confidence must very much disappear altogether. Well,

the Reports that he got were more hopeful. One day he might find a Union getting worse—he got one or two bad Reports to-day and yesterday—but, generally speaking, he found them more hopeful. The works, about which so much had been said, were giving much more employment, and many hundreds and thousands of persons were coming over to England, where there was hope of getting work. He believed there was some truth in what was said by the hon. Member for the City of Cork (Mr. Parnell), that many of those who came in the spring were disappointed; but a good many now were successful. The chief business they had to do was to tide over the next two or three months. His hon. Friend who had just sat down (Mr. Nelson) had been rather struck by the difference between the two sides of the House. His hon. Friend's experience of the House was short; but when he had been there a few years he would find that they were not so utterly neglectful of the public good as he supposed, and that there was more agreement in passing practical measures between the two opposite sides of the House and the two Front Benches than sometimes appeared. The late Government had left their successors two or three useful measures. The first was the alteration in the Poor Law, which enabled out-door relief to be given. He (Mr. Forster) was very much obliged to them for it; and his only doubt, looking to the past, was whether it should not have been done earlier. The result had been that occupiers of above a quarter of an acre could now receive Poor Law relief without losing their holdings. There were 37 Unions in which the necessary Orders were now in force, and, according to a Return at the end of last month—he had a later, but had mislaid it—there were 117,000 persons receiving relief in or out of the work-houses. That looked a large number; but it did not come up to the English standard. In England, at this moment, there was just under 3 per cent of the population receiving relief; in Ireland the number was about 2·1, so that, in spite of everything, the weight upon the rates was not so great in Ireland as in England. The next measure carried by the late Government was the Seed Act, which had really done immense good. He wished to take that oppor-

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that he might pay back the principal, not in large instalments, but in small sums from year to year, he would think it still better. They issued orders that they should have weekly Returns of the number of persons at work. He would not dwell on the loans to the sanitary authorities. It would appear that but a small proportion of them had been sanctioned. He now came to the loans to the landlords; for these the present Government were certainly pledged, but not responsible. The applications were made before the present Government came into Office. The terms on which these loans were asked were embodied in the letter which practically formed part of the Bill passed at the beginning of this year. They were in reality these—that if the landlords would find security they would get the loans. When he came into Office they were limited to £1,200,000. The 17th section of the Act only provided £750,000 for the payment of the obligations; but what did the late Government do? They entered into larger obligations than the £750,000 would meet; and, therefore, the present Government found themselves in this position—they must either ask the House for more money, or break faith with those who applied for loans. That was the real fact of the matter. The House must not suppose that this £1,500,000 was all given to the landlords. The Government were taking the very utmost sum that would be wanted. He did not think it would be all wanted. It was easy to be wise after the event. If the late Government were now in their place, they would, no doubt, be sorry that they had not made more conditions. But there was one condition, that if before the 31st of July a second instalment of the loan had not been issued the remainder would be lent at $3\frac{1}{2}$ per cent. The landlords, therefore, knew what their position was, and the condition to which he referred would, no doubt, increase the employment between this and the 31st of July, because they would be anxious to come in for the loan at 1 per cent. He thought it was a pity they had not tied the landlords down more to time; but the present Government, he repeated, were not responsible for the condition. They took the condition and had to fulfil it. But, after all, it was doing a great deal more good than the House

supposed. Up to the 31st of May the amount issued to the landlords was £240,000. The sum had been very much increased since. The last week of which he had an account £20,000 was issued; and that sum, he thought, would represent the employment of 35,000 to 40,000 men. He did not wish to exaggerate the importance of this Bill. It was not on the works, public or private, he relied for getting over the difficulties between this and harvest. It was upon out-door relief he relied; though he also looked for considerable help in employment. He trusted the House would pass this Bill, especially the clause relating to the £750,000—not because it was a good bargain, or because it was the best that could be made, but because it was a bargain, and must be fulfilled. If by chance the House should refuse to fulfil its bargain, the result might be confusion, the stopping of works, a great increase of distress, and an addition to the numbers that would have to be relieved. It must be remembered that it was not merely one Government taking up the acts of another, but it was one Parliament taking up the acts of a previous Parliament, and in the last Parliament there was no division against loans to the landlords, or against the interest to be charged for them. He did not agree that there was no security to the tenants, as he thought the Amendment of the hon. Member for Limerick (Mr. Synan) would have a very considerable effect in preventing landlords charging for the improvements a higher rate of interest than they paid. In the existing condition of things, he looked round to see if anything else could be done. It was too late to change the lines of action already taken. It was too late to adopt loans to tenants instead of loans to landlords. He saw there were two things which might do good. There were the fishery piers. Of course, an Irish Secretary was anxious to do what he could for Ireland; but it was the duty of the Treasury to guard the public purse. He succeeded in obtaining this grant of £30,000, and hon. Members who thought it ought to be £60,000 might leave that for the Committee. What was wanted was the Bill to make it possible to do something at once. There was the possibility of another bad autumn and winter, and it was necessary to develop

industry on the West Coast, so as to give some alternative employment to the cultivation of the wretched holdings. To do this it was necessary to take advantage of the Canadian grant. As to the faulty constitution of the baronial sessions, no doubt there were a good many things in Ireland that needed to be changed or reformed; but for small practical measures they must make use of the existing machinery, until the machinery could be improved. He believed county government in Ireland was very bad; but they had to deal with desolate and wild districts which were, however, capable of immediate development and improvement, and must use the agency ready to their hand. He thought he had made out a case for, at any rate, getting the Bill into Committee, where the Government would gladly hear any suggestion which might be offered. If they could meet the wishes of hon. Members, they would gladly do so; but he must confess that he did not think they could now enter on a new line of action. An hon. Member had spoken of the possibility of another bad harvest and winter; he could only say if that was to be so he should wish himself anywhere but in the position he held. All he could say at present was that it was impossible for any hon. Member from Ireland, even if he had just come from the suffering people of Mayo, to be more convinced than he was that if there came another bad winter and a bad harvest the Government would have to take some very strong and summary measures to prevent absolute destitution, if not starvation, and he believed his Colleagues shared that opinion with him.

MR. BLAKE said, that he agreed with the hon. Member for Cork (Mr. Parnell) that the sum of £30,000 proposed by the Government for the improvement of harbours in Ireland would be wholly inadequate, there being some 40 or 50 that required it, and that that sum, even when supplemented by the Canadian grant, would not meet the wants of more than a dozen of them. The Bill only allowed £30,000 for harbour piers; and the most that could be expended on any harbour was £3,000. He contended that more money should have been devoted by the Government to improving harbours, because nothing could pay better than the expenditure upon them. He would suggest that the 6th clause of

the Bill should be struck out; otherwise, as regarded the fisheries in Ireland, the Bill would not be worth the paper on which it was printed. He could confirm what had been said as to the Irish officials; for his belief, after a long experience, was that the right hon. Gentleman would find them trustworthy, intelligent, and most anxious to promote the interests of the country.

SIR PATRICK O'BRIEN said, that when a similar Bill was introduced by the late Government he confined himself to the plain statement of the fact that it seemed to him queer that when £750,000 was voted to the Irish landlords at a time when they were not receiving their rents, that the ratepayers should be asked to tax themselves for the relief of the people. Although his statement was ridiculed at the time, many people had since said that there "was very much in what Pat O'Brien said." But the proposition of the present Government was precisely the same as that made by the late Government; and every objection which he had urged against the proposal of the late Government applied with equal force to the present Bill. He considered that the proposition of the Government was incomplete, and did not meet the necessities of the case. The proposition was one which no Irishman with the feelings of an Irishman would support in the House if he thought he could get anything better. [*Laughter.*] He could understand the laugh; but he thought hon. Gentlemen ought not to sneer at the distress under which Ireland was suffering. What was the proposition of the Government? It was to give £750,000 to the landlords of Ireland, and that was not the way to meet the distress. He was ready to join in the opposition to the Bill; and, notwithstanding what might be written in the Irish papers next Saturday, he should continue to do his duty in the position he held as the Representative of the humblest man in Ireland as well as the richest. He was a humble Irish landlord, and the question was whether there was great distress in Ireland, and would the Bill meet that distress? He should support the measure of the right hon. Gentleman, for it seemed to him to afford relief to Irish landlords by giving them loans, although it would do little to meet the present distress.

MR. WARTON, who rose amid considerable interruption, said, that in that debate 14 hon. Members had spoken, 13 of whom were Irish, and the other was the right hon. Gentleman the Chief Secretary to the Lord Lieutenant. It was rather hard, therefore, that Irish Members should call out "Agreed" and "Divide," when not a single English Member had yet had an opportunity of speaking on that question. They heard often of "justice to Ireland." Surely they should occasionally, once in a way, have a little justice to England, and allow English Members to say a few words, especially as they had been taunted with their indifference to that subject. The hon. Member for Galway (Mr. Mitchell Henry) had suggested that the right hon. Gentleman ought to have called a conference of the Irish Members on that measure; but, looking at the diversity of opinion which appeared to prevail among those hon. Members, some of whom regarded the Bill as absolutely worthless, he doubted whether the right hon. Gentleman would have gained great advantage by adopting that suggestion. He was anxious to know how far they were to be treated to those mutual interchanges of compliments between the third Party and the Chief Secretary, of which they had already witnessed so many. The right hon. Gentleman (Mr. Forster) must, he (Mr. Warton) thought, be almost tired—nay, sick—of those compliments, because they had been paid to him for a purpose—namely, so to work upon his generous nature as to squeeze from him even more than he might be disposed to give. That was nothing more nor less—except as to the amount—than the Bill of the late Government, which was strongly supported by those Irish Members who were now crying out against it, because they knew that they would get justice for Ireland from the Conservative Government, but they hoped to get something more than justice from the present Government. They had seen an hon. Member from Ireland rise and make a suggestion. Perhaps, he said, it would be a good thing if they took away from the Irish tenants the opportunity of paying their rent. Then the House would be told that that was a matter worthy of consideration. If, again, a suggestion was made that money should be lent to the tenants, instead of

the landlord, they would be told that that also was worthy of consideration. The Government took 11 days to make up their minds whether they would consent to the principle of the monstrous Bill of the hon. Member for Mayo (Mr. O'Connor Power). He had marked the action of the Government, not in order to say what was unfriendly, but to see whether they would be firm in resisting those monstrous claims, and not support, tacitly or openly, an Irish agitation to get the property of the landlords, and, if so, he would support them. There was no excuse for the Government. They were not driven by necessity. They had a large majority, and the Irish Members were not able to turn the scale against them. He did not object to the kind expressions of the Chief Secretary for Ireland, or to his velvet glove; but he wanted to know whether an iron hand was under that glove when Irish Members threatened them with outrage and revolution in Ireland. The Government had given way on important matters. He hoped they were not going to make concessions which ought never to be granted. He wanted to know whether the sacred rights of property were to be maintained or not. If they were, the Government would have the support of the Opposition against agitators in Ireland. The most practical question for Ireland at the present moment was, were rents to be paid or not? The disposition of a great many Irish people was against paying rents, and those who were able were advised not to pay. He knew an instance of this disposition, and warned the Government against the danger of losing the confidence and sympathy of those who respected the rights of property, which danger they might incur if they went in for a policy of confiscation for the sake of getting a few votes from Irish Members.

MR. BYRNE said, if the Bill were really what it proposed to be, no Irish Member would incur the responsibility of voting against it; but a virtue was claimed for it which it did not really possess. It was a bad Bill—it was bastard legislation. The Bill gave scarcely any relief to Ireland, and the right hon. Gentleman the Chief Secretary to the Lord Lieutenant had not proved his case. On the contrary, he had proved his case very much against himself, for

in effect the right hon. Gentleman said—“We have taken up the Business of the late Government, and we feel bound to carry it on as we find it.” It was a bad Bill, because it proposed to take money out of the Irish Church Fund instead of the Imperial Exchequer. If the money only went to the relief of Irish distress, he (Mr. Byrne) would not object to the amount being even £2,000,000; but the truth was that a considerable proportion of the grant would go to pay the debt contracted by the late Government. The Government were the trustees of the Irish Church Surplus Fund; and money for the relief of distress in Ireland should not come out of that fund, but out of the Imperial Exchequer. The Irish people would expect a rigid account of the Irish Church Surplus Fund, to which they claimed to be entitled.

Mr. GILL said, that for some time past he had been aware that the Mansion House Relief Committee were not in a position as regarded the funds to attend properly to their duties. Quite recently he had been in communication with gentlemen who were some of the best informed of its Members; and they had informed him that, no doubt, the distress was increasing rather than diminishing at the present, and that numerous small farmers were requiring relief, their means being exhausted—which had never been more than scanty—who had not required relief earlier. Taking that into account, he would earnestly impress upon Her Majesty's Government to do something for the country. The relief works did not, in fact, contribute to the alleviation of the distress; and, therefore, he thought that, considering the amount of distress which would probably exist before harvest, they ought to grant a sum of money to the Relief Committees which were at present in existence. In the districts in which the distress was, there were numerous sub-committees, and reports as to the real state of the distress reached the authorities. The real way to alleviate the distress, he was convinced, was to grant them money. He thought it could easily be done without great loss to the Treasury or any other Department. In fact, it would not entail so much loss as would the Bill which was now before them. At a moderate computation, by

lending the money at 1 instead of 3 per cent, there would be a loss to the Church Fund of £350,000. He would suggest that £200,000 or £250,000 might be given at once, instead of lending it to landlords. Two per cent might be charged for the money lent to the landlords instead of one per cent, and that would almost produce the amount which the expenditure he had suggested would require. He did not see why money lent to landlords on that occasion should be advanced at the small rate of one per cent. He trusted that the great amount of distress which did at present exist would soon disappear, but hoped the Government would take into consideration the course he had suggested. He must add that there could be no doubt that there was a considerable substratum of politics which entered into that question, and that was one reason why the Government had not been more active in the matter. He hoped that inaction would not be attended with the terrible responsibility which would attach if there were deaths from famine in Ireland. He hoped that the present Government, by the course it was now taking, would not bring that terrible responsibility upon them. Such a responsibility had attached to the Government of 1847 on account of the inaction of the then Government and Prime Minister, and he trusted that nothing like that would occur now. He impressed upon them the necessity of doing something immediately; if not, there would certainly be numerous deaths before harvest, and, moreover, the people would not have sufficient strength to reap their corn and dig their potatoes on account of the state of weakness and sickness to which they would be reduced, which was the inevitable consequence of the destitution from which they were at present suffering. The reason he underrated the relief works was because he believed they would do little good to the districts. The right hon. Gentleman the Chief Secretary for Ireland had said a short time ago that there could be no doubt the relief works would not relieve everyone, but only the able-bodied men who could take advantage of them. He was afraid that before long they would be painfully aware of the truthfulness of that statement. In 1847 a gentleman had nar-

rated to him some circumstances of the famine of that time. That gentleman was engaged as an engineer on the relief works, whose could be relied on; and he had assured him that he found of a morning, as he went to the works, groups of wretched beings huddled together by the hedges and in the ditches, with the famine fever glaring in their eyes; and he had made a calculation as to how many he should be likely to find alive when he returned from his work. He assured the Government that if active relief measures were not taken something like that would certainly be likely to happen; and he was sure that that was a state of circumstances which Her Majesty's Government did not wish to see brought about.

Original Question put, and *agreed to*.

MR. PARNELL said, he wished to ask the right hon. Gentleman the Chief Secretary to the Lord Lieutenant whether he proposed to take the Committee on the Bill to-morrow (Friday)? There was not, he thought, sufficient opportunity afforded for preparing Amendments to the Bill; and although the Irish Members had done all they could to arrange about Amendments, there had not been sufficient time to bring them forward, and they had, therefore, made small progress in that direction. Of course, if the right hon. Gentleman really wished to get into Committee, they could then move to report Progress, with the understanding that some days, or perhaps a week, later the matter could come up for further consideration. He trusted that the postponement would take place—say, until next week, in order that they might have the opportunity of drawing up Amendments that would be satisfactory.

MR. W. E. FORSTER said, that he was sorry the hon. Member had stated that the Amendments were not ready. The Bill had been before the House some time, and both the Bill and the clauses were very short; and he thought that ample time had been allowed for the consideration of Amendments. Considering the feeling on the part of Irish Members, perhaps he ought not to go further than the present stage of the Bill. It was not for him to press the Bill forward unduly; but he must state that, considering the anxiety which he had that the Bill should be passed as

Mr. Gill

quickly as possible, he trusted that they would allow them to get into Committee on it, and to make some real progress with it to-morrow.

Bill read a second time, and *committed for To-morrow*, at Two of the clock.

COMMON LAW PROCEDURE AND JUDICATURE ACTS AMENDMENT BILL.

On Motion of Mr. MELLOR, Bill to amend the Common Law Procedure Acts and the Judicature Acts, *ordered* to be brought in by Mr. MELLOR, Mr. GREGORY, and Mr. MARRIOTT. Bill *presented*, and read the first time. [Bill 229.]

MUNICIPALITY OF LONDON BILL.

On Motion of Mr. FIRTH, Bill for creating a Municipality and County of London; and for other purposes connected therewith, *ordered* to be brought in by Mr. FIRTH, Mr. THOROLD ROGERS, Mr. POTTER, Mr. JAMES, and Mr. BRAND.

Bill *presented*, and read the first time. [Bill 228.]

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, 18th June, 1880.

MINUTES.]—SELECT COMMITTEE—*First Report*—Reporting.

PUBLIC BILLS—*First Reading*—Local Government (Highways) Provisional Order (Salop)* (88).

Report—Burials (86-89).

ELEMENTARY EDUCATION.

MOTION FOR AN ADDRESS.

LORD NORTON, in rising to move—

“That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that the Fourth Schedule be omitted from the new Code of Regulations issued by the Committee of the Privy Council on Education, and now lying on the Table of this House,”

said, the 4th Schedule was a table of specific subjects of instruction, including mathematics, mechanics, animal physiology, physical geography, botany, Latin, French, and German. In the words of the Code—

“For the continuous teaching throughout the year of one or two of those subjects public payment will be made.”

As the Code made this offer without any limitation of age, and they

knew the assumption and practice was to carry it on to 18, this was secondary education of the middle classes charged on rates and taxes of the whole community. But that was not within the scope of the elementary education for which Parliament had allowed public aid. It stood in the way of good middle-class education, answered to the School Commissioners' description as "essentially and necessarily superficial, pretentious, and unreal," and seriously injured the elementary education of the working classes. The Endowed Schools Commission in 1868 did not hesitate even to attribute the supposed deficiency of our artizans, as compared with those of other countries, to the want of a good basis of sound general education before special instruction began. This wretched assumption by Government of middle-class education under the name of elementary, which, after all, was a mere cramming the memory with the vocabulary of sciences and alphabets of unmastered foreign languages for evanescent show and deceitful prizes on examination, entailed, by the Report of almost every Inspector, a very general neglect of ordinary reading, writing, and arithmetic. The reading in the highest standards was reported as unintelligent, though they were told the other day of the bilinguist children of Wales improving, they knew not from what zero, probably through the very difficulties they had to contend with. Some, of course, must pass in an examination; all could not be plucked, but the standard was extremely low. A good elementary lesson in reading might carry with it in its process more real communication of knowledge than pretence studies of science and languages under the 4th Schedule—an elementary knowledge of nature, for instance, and history and geography, which were all included among class subjects, if only the elementary reading-books were themselves less infected with the vicious aim at heterogeneous cramming. There was a clear line between general elementary and special scientific reading, which they would do well to observe. The Code omitted a limitation at the age of 14 of elementary education as its extreme period beyond which no public aid should be given. This limitation was proposed, not that children who could pass the elementary standard earlier should remain at school to 14 and waste

the interval in incipient science. The fewness of those who could do so was a strange argument for a costly training of teachers for them. Most would go out to work and gain the earliest handiness in industry and their share in keeping their home from poverty as soon as they could; and it were mischief to tax the whole community for machinery to force this class away from their apprenticeship and deprive their parents of their earnings to qualify them for other employment, which, after all, might offer no room for them. Those also who showed special aptitude for promotion to higher employment, and those who naturally continued longer at school, would not remain at elements to 14; but these, as soon as the elementary standard was passed, should enter on a higher grade. The best authorities pronounced it a mistake to suppose either such promotion or continuance to higher education required introduction to the higher subjects, or, rather, higher kind of study of subjects in the earlier stage. That should commence in the higher grade. Neither Government nor public money should be charged with this secondary education, except so far as by giving Exhibitions or Scholarships to help clever boys of the working classes unable otherwise to rise to it. Official control of the education of the middle classes would be repugnant to the spirit of this country; and he held that a tax on the working classes, in order to cheapen the education of their employers, was simply an inversion of the principles of our national education. There were middle schools springing up everywhere, to which the elementary schools were feeders, supplying the middle class at about £16 a-year for boarders, or 2s. a-week for day scholars, less than that class were formerly paying for worse education. There were also endowments in every county to aid and lighten this small charge on the middle classes. Under schemes of the Charity Commissioners, old foundations for education, now that elementary education was otherwise provided, were being so adapted. Technical instruction was being provided by the great corporations. At Rugby the whole ground of education was fully covered by elementary, middle, and classical schools, with free passage from one to the other. The President of the Council said he left the Code this year

untouched to avoid controversy; but as the late Government were committed to the improvement which he asked, he had only to adopt the same view to avoid controversy, which the retention of the 4th Schedule raised. The noble Lord concluded by moving his Resolution.

Moved, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that the Fourth Schedule be omitted from the new Code of Regulations issued by the Committee of the Privy Council on Education and now lying on the Table of this House.—(*The Lord Norton.*)

THE BISHOP OF EXETER supported the Motion. He shared in the opinion of the noble Lord as to the direction in which the Education Department was drifting. Indeed, he thought the noble Lord had not expressed that opinion as strongly as the occasion demanded; because, if Parliament did not interfere now, interference would be impossible in a short time more. The state of the case appeared to him to be this: At present there was no organized system of secondary education. No doubt there was a great deal of secondary education given, some very good and some very bad; but there was no system which held it together, or put it into relations with the education above or below it. As regarded the labouring classes, they had provided for them an education guaranteed by inspection, and they had no reason to complain. The same thing could not be said of the classes just above them. For middle-class education, there were, first, the endowed schools, and, next, private schools. The former were not connected with the elementary schools or with each other, and there was no guarantee for the quality of the education given in the latter. There was, consequently, a large and practically unoccupied field into which, if Parliament did not interfere, the work of the Education Department would inevitably drift; and before becoming aware of it that Department would be practically taking on itself a very large proportion of the secondary education of the country. As Governor of an endowed school, he had personal experience of the fact that the Education Department were enabling, by drafts on the public purse, a national school to compete with that higher class school, which was under the supervision of another public Depart-

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ment. If Parliament did not interfere the £30,000 granted last year for these national schools might grow to £500,000, and then the vested interests which would have been created would effectually prevent any interference at all. The Code provided that children might be taught at the schools until they were 18; and if they were to keep children at school until they were 18 they might as well give up calling it elementary education. The manner in which the children in the national schools were allowed to present themselves for examination was something like what would be the going up of undergraduates at the Universities for their "great go" before they had been examined for "the little go." Those children might present themselves in mathematics, Latin, and animal physiology before they had been passed in elementary reading. He was not averse from the admission of history, geography, and grammar in the Revised Code; because in acquiring reading, which was the most important branch of elementary education, children must read something, and in the first two of those subjects they would use ordinary reading books, while grammar brought them to understand what they were reading. Therefore, he thought that in the introduction of those subjects there was no departure from the original intentions of the Legislature; but he was of opinion that the introduction of the subjects in the 4th Schedule was a serious injury to the imparting of elementary instruction. Such systematic smattering did not cultivate the intelligence of the child, but merely cultivated its memory in filling it with a knowledge which well deserved to be called "oram," because in a very little time afterwards it was entirely forgotten. Another evil arising from the introduction of those subjects was the demand for masters who could teach them in the elementary schools to the exclusion of masters who could not, but who might be very much better fitted to give elementary instruction, because elementary teachers were not improved by a superficial knowledge of such subjects. He was for having a provision by which children who exhibited superior ability in the elementary schools might have an opening through which they might rise to superior branches of education; but to secure that, there was not the least

occasion to enable such children to commence in the elementary schools those more advanced subjects which they ought to learn in the secondary schools. Such children were sure to be discovered, because they would be found to be at the head of their classes in the primary schools, and the masters of the secondary schools would rather receive such children before they had learnt any mathematics, Latin, or animal physiology. In conclusion, he had to express his opinion that it was the duty of the State to organize, as soon as possible, the secondary education of the country.

THE DUKE OF ARGYLL said, he came down to the House for the purpose of listening, and with not the least intention of speaking, to see what objection any human being could have to the introduction into elementary schools, permissively (not compulsorily), of the list of subjects in the Minute. He had listened to the speeches of the noble Lord and his right rev. Friend with the most profound astonishment. In Scotland they had had some experience of the frightful dangers which had been held out to frighten them by the noble Lord who made the Motion and by the right rev. Prelate. Scotchmen had some right to speak on this subject. In England elementary education, as conducted by the State, was a thing which was to be dated by some 10, 20, or 30 years back. In Scotland they had it for 300 years in active operation; and they knew what had been the effect of introducing, not merely slightly and permissively, but almost compulsorily, many of these higher subjects into the primary education of the country. That effect had been most admirable. By the consent of all the world, the primary education system of Scotland had been, until the population outran it, one of the most successful in the world. He would explain what that system was. At the time of the Reformation, the Reformers demanded three things of Parliament. They demanded that in every parish there should be an elementary school. They demanded that in every principal town there should be a secondary school; and they demanded that in all great cities of the Kingdom there should be Universities for the education of the people. The system of primary education was adopted by Parliament; but, unfortunately, the secondary education

remained much in the same position as in England. No system of secondary education was adopted. But in the elementary schools of the country it had been the custom from the Reformation to include the systematic teaching of those children whose parents applied for it, in Greek, Latin, geography, mathematics, and in other higher branches of education; and in the parish schools of Scotland they had almost all classes, omitting the highest of all. They had the children of paupers sitting on the same benches with the children of the parish minister, and of the medical practitioner. Those who wished to go no further were contented with the ordinary instruction; but those who wished to go further paid a higher fee and went on, and under the system some of the poorest men in Scotland had been able to rise to the highest positions both in the academical institutions of the country and in the service of the State. He was himself acquainted with many men who had risen to distinguished positions in the law, the Church, and the State, who derived the whole of their education at the beginning of their lives in the parish schools of Scotland. He would assure his right rev. Friend that none of the evils he feared had been experienced in Scotland. On the contrary, it had been recognized that the vitality of the country had been immensely improved by the fact that the teachers had been in the habit of instructing their classes in the higher subjects. There was another point to which he wished to direct attention, and that was the hard and sharp line which his right rev. Friend and the noble Lord opposite would place between the lower and the middle classes. There was in nature none, and there should be none in education. The classes in nature graduated into each other. If this Motion passed with regard to the elementary schools, a poor man would have no chance for even interesting his child in regard to any of these higher branches of education. It seemed to him that there would thus be a great hardship to the working classes. Let them look at the Schedule of Instruction that had been spoken of. There was English literature. Was it not possible to teach English literature in the course of school reading? There was mathematics, which

untouched to avoid controversy; but as the late Government were committed to the improvement which he asked, he had only to adopt the same view to avoid controversy, which the retention of the 4th Schedule raised. The noble Lord concluded by moving his Resolution.

Moved, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that the Fourth Schedule be omitted from the new Code of Regulations issued by the Committee of the Privy Council on Education and now lying on the Table of this House.—(*The Lord Norton*.)

THE BISHOP OF EXETER supported the Motion. He shared in the opinion of the noble Lord as to the direction in which the Education Department was drifting. Indeed, he thought the noble Lord had not expressed that opinion as strongly as the occasion demanded; because, if Parliament did not interfere now, interference would be impossible in a short time more. The state of the case appeared to him to be this: At present there was no organized system of secondary education. No doubt there was a great deal of secondary education given, some very good and some very bad; but there was no system which held it together, or put it into relations with the education above or below it. As regarded the labouring classes, they had provided for them an education guaranteed by inspection, and they had no reason to complain. The same thing could not be said of the classes just above them. For middle-class education, there were, first, the endowed schools, and, next, private schools. The former were not connected with the elementary schools or with each other, and there was no guarantee for the quality of the education given in the latter. There was, consequently, a large and practically unoccupied field into which, if Parliament did not interfere, the work of the Education Department would inevitably drift; and before becoming aware of it that Department would be practically taking on itself a very large proportion of the secondary education of the country. As Governor of an endowed school, he had personal experience of the fact that the Education Department were enabling, by drafts on the public purse, a national school to compete with that higher class school, which was under the supervision of another public Depart-

Lord Norton

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designed as a basis on which some additional structures might be built. But who had provided these additions to the present structure? Was it some enthusiasts in the cause of education? No, far from it. The proposal was made, not by himself, as suggested by the noble Duke opposite (the Duke of Richmond and Gordon), but by the Conservative Government. As to those additional subjects—such as geography, history, &c.—the introduction of which had been objected to by noble Lords opposite, it was not the Liberal Government, but the noble Duke opposite who was responsible for having made payments in respect of those subjects. Those innovations were not brought forward by him, but by his successor in Office. By whom was this further addition then before their Lordships introduced? By the noble Duke opposite. The noble Lord then read extracts from the Code of 1880 in which it appeared that it was thought desirable that some discretion in dealing with the additional subjects should be intrusted to the teachers in elementary schools. It seemed, therefore, that the noble Duke opposite was responsible for these additions, as they were found for the first time in the Code for 1880. His noble Friend the President of the Council naturally objected to be called upon to make a retrograde step. It seemed to him that after a measure of that sort had been carried by their political opponents it scarcely became the Liberal Government to go backwards in the cause of education. It was objected that the province of middle-class schools was being interfered with. But there was no satisfactory system of middle-class education in existence. And it must not be forgotten that the endowed schools were very unequally distributed as regarded the different parts of the country, and that schools originally intended for the poor had been appropriated to the use of the rich. Nor must it be imagined that the additional subjects were taught indiscriminately, and that the sons of rustics were made to attempt tasks in which they could not succeed. To whom, then, were the extra subjects taught? He thought it would be found that they were almost exclusively confined to those who intended to devote themselves to the profession of teaching, and who completed their education for that pur-

pose in Training Colleges. Nor could the cost of such further instruction be objected to on the ground of the additional burden to the rates, for the persons who availed themselves of it were, for the most part, ratepayers of the middle-class. This Resolution could not be passed without interfering with the perfected arrangements of years. He hoped they would not close down the hatches on the largest class of our population. There were three counties in Scotland—Aberdeen, Banff, and Moray—which had, owing to the Dick and other bequests, applied themselves to paying greater salaries to teachers of higher qualifications, and special advantages in regard to secondary teaching in the parish schools. He had attended these schools, and had seen children in them able to construe Latin and read German better than children of the same age of the higher classes in England. Could it be said that these counties had not been benefited by this? He hoped the House would not undo the work which had been initiated by the late Government, and that any retrograde step would be looked upon with great jealousy by their Lordships. He felt sure that much disappointment would be felt in the country if they did not go on in the course upon which they had entered.

EARL FORTESCUE said, he felt surprised, after hearing the speech of his noble Friend the Lord Privy Seal, that the noble Duke could have been a Member of the Cabinet which passed the Endowed Schools Act of 1869, and the Elementary Education Act of 1870, both based on principles, not only different, but absolutely opposed, to those which he had just so eloquently defended. The Endowed Schools Act professed in its Preamble to be founded on the statesmanlike Report of the School Inquiry Commissioners, which was based upon a long and exhaustive investigation made by themselves, and by travelling Assistant Commissioners, into the state of secondary and middle-class education at home and abroad; and that Report most positively recommended the maintenance and extension, but improved and invigorated, of secondary as distinguished from elementary education in schools quite distinct from elementary schools. The Elementary Schools Act of 1870, to which the noble Duke was equally a party, professed to be intended

had long been a branch taught in the Scotch schools. Some of the poorer children rose in mathematics sufficiently high to enable them to enter the Scotch Universities. Greek was admitted here; but both Latin and Greek had long been taught in the parish schools. His noble Friend (Viscount Sherbrooke), who was so efficient in the learned languages, had in many recent speeches decried the utility of instruction in these languages as given in schools of this kind; and he (the Duke of Argyll) did not deny that they were of comparatively limited use, because it was most important that those parents who chose to have their children educated should have a little instruction given to them in French and German and other modern languages. They were simply taught, and were most useful in their application in the intercourse of life. As to the principles of mechanics, these might have a powerful application in after life, and as to animal physiology, botany, &c., these were permissive; but what more useful branches of knowledge could there be? In many of the parish schools of Scotland botany, which had only recently been introduced, excited the greatest interest. With regard to the effect upon the masters, he must say he could hardly understand how any intelligent man, or any man of education, could retain his reason if he was obliged to grind for ever at the three R's. He thoroughly believed it was immensely for the advantage of the teachers that they should have the intellectual relief, and the intellectual delight of occasionally going to the other subjects, and teaching some of the more intelligent and ambitious the higher branches. He maintained that in this Code his noble Friend was simply following at a long distance behind in the course which for 200 years had been taken in Scotland. In that country they had experienced none of the evils feared by his right rev. Friend. He agreed with the statement that it was impossible to conduct secondary education as it should be conducted in these schools, and that the money of the State should not be given, properly speaking, to the teaching of secondary education; but he thought the line could not be drawn so sharply either between the classes or the subjects as the right rev. Prelate and the noble Lord advocated. He did ear-

nestly hope that this House would not, as regarded the education of England, put a stop to an attempt to introduce some portion, at least, of the system of education which had been one of the great national blessings of Scotland.

THE DUKE OF SOMERSET confessed that he was astonished at the speech of the noble Duke. If the system pointed out by him was to go on in England all classes would be obliged to be educated together; but the fact was the system now proposed by the Department had entirely outgrown the intentions of Parliament. Could anybody seriously contend that boys in the national schools should be taught to read by making them learn Latin? The noble Duke had told them that the subjects now objected to had been taught in Scotland for the last 300 years; but surely they did not teach geology and German in Scotland 300 years ago. Boys in the national schools ought to be taught what would be useful to them in their station in life, and not what made them unfit for their position. When the Colonies wanted emigrants from this country they said—"Don't send us any scholars; send us men with strong arms and legs." Under the present Code a child could be kept at school until 18 years of age, by which time he was too old for a trade. As to the engineers and other professional men who had risen from humble life, they had risen by their own energies, and such men would continue to rise by their own exertions, without such education as that in the 4th Schedule being provided in the elementary schools. If that Schedule should be insisted upon, and teachers with high salaries appointed to rural schools, there would be much discontent amongst the ratepayers of the country generally.

LORD ABERDARE said, he was not astonished, like the noble Duke, at the speeches they had heard, because he had long been used to hear such distortions of the subject. He wished to bring the House to what was the real subject before the House. He was most anxious that justice should be done to those to whom it was due. He was most desirous that nothing should be done to impair the usefulness of the Revised Code. That Code had been highly useful as an instrument of education; but it was not intended to be the be-all and the end-all on the subject. It was

designed as a basis on which some additional structures might be built. But who had provided these additions to the present structure? Was it some enthusiasts in the cause of education? No, far from it. The proposal was made, not by himself, as suggested by the noble Duke opposite (the Duke of Richmond and Gordon), but by the Conservative Government. As to those additional subjects—such as geography, history, &c.—the introduction of which had been objected to by noble Lords opposite, it was not the Liberal Government, but the noble Duke opposite who was responsible for having made payments in respect of those subjects. Those innovations were not brought forward by him, but by his successor in Office. By whom was this further addition then before their Lordships introduced? By the noble Duke opposite. The noble Lord then read extracts from the Code of 1880 in which it appeared that it was thought desirable that some discretion in dealing with the additional subjects should be intrusted to the teachers in elementary schools. It seemed, therefore, that the noble Duke opposite was responsible for these additions, as they were found for the first time in the Code for 1880. His noble Friend the President of the Council naturally objected to be called upon to make a retrograde step. It seemed to him that after a measure of that sort had been carried by their political opponents it scarcely became the Liberal Government to go backwards in the cause of education. It was objected that the province of middle-class schools was being interfered with. But there was no satisfactory system of middle-class education in existence. And it must not be forgotten that the endowed schools were very unequally distributed as regarded the different parts of the country, and that schools originally intended for the poor had been appropriated to the use of the rich. Nor must it be imagined that the additional subjects were taught indiscriminately, and that the sons of rustics were made to attempt tasks in which they could not succeed. To whom, then, were the extra subjects taught? He thought it would be found that they were almost exclusively confined to those who intended to devote themselves to the profession of teaching, and who completed their education for that pur-

pose in Training Colleges. Nor could the cost of such further instruction be objected to on the ground of the additional burden to the rates, for the persons who availed themselves of it were, for the most part, ratepayers of the middle-class. This Resolution could not be passed without interfering with the perfected arrangements of years. He hoped they would not close down the hatches on the largest class of our population. There were three counties in Scotland—Aberdeen, Banff, and Moray—which had, owing to the Dick and other bequests, applied themselves to paying greater salaries to teachers of higher qualifications, and special advantages in regard to secondary teaching in the parish schools. He had attended these schools, and had seen children in them able to construe Latin and read German better than children of the same age of the higher classes in England. Could it be said that these counties had not been benefited by this? He hoped the House would not undo the work which had been initiated by the late Government, and that any retrograde step would be looked upon with great jealousy by their Lordships. He felt sure that much disappointment would be felt in the country if they did not go on in the course upon which they had entered.

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only to secure to all the children in the land instruction in the three R's, omitting, unfortunately, the fourth R—Religion. And that it was intended to do no more was conclusively proved by its movers announcing that the probable cost of education under it to the ratepayers would certainly not exceed 3*d.* in the pound. If the noble Duke's present views were then entertained by himself and other Members of that Cabinet, then it could not be denied that consciously or unconsciously they had induced Parliament to pass those two Acts under erroneous impressions resulting from their delusive professions. It was quite true that the difficulty in which the country was placed resulted, as he had Session after Session tried to impress upon the House, from Mr. Gladstone's Government, while professing to carry out the recommendations of Lord Taunton's Commission, having omitted the most important of them—that upon which, in the words of the Endowed Schools Commissioners, whom they appointed to carry out the Act, the plan of the Schools Inquiry Commission mainly rested. He meant the establishment of provincial authorities, who would have administered the £20,000,000 of educational endowments much more advantageously than, by their own confession, the Endowed or Charity Commissioners without their aid had been able to do; and would have supplied exactly that organization, for want of which secondary education in England was suffering in the way so vividly described by the right rev. Prelate. The secondary education of this country had remained unorganized; and now step by step, through the instrumentality of the last two centralizing Governments, followed by the present centralizing Government, an attempt was being made by the very able and earnest permanent officials of the Council Office to get into the hands of that Government Department the regulation and control of the whole of the secondary education, as they had already succeeded in getting that of the primary education of the country. The management would generally continue, as under successive chiefs of the Department it had practically been, in the hands of those permanent officials, conscientiously bureaucratic enthusiasts. But every now and then, upon some change of Government, some Minister might be placed at the head of the

Department, who would suddenly make enormous changes in the educational system of the country—secondary as well as elementary. They would have education in England assimilated, as regards State interference, to the education in France, and that quite needlessly. For with good local organization, our Universities, not unaffected by the deliberate tide of public opinion, though exempt from the direct action of the sudden revulsion of political feelings which so powerfully affect the Government of the day, might supply much of that useful guidance and influence to the secondary education which they had long so powerfully exerted over the highest education of the country. The noble Duke said that Scotland had had a complete system of education for 300 years of primary schools, secondary schools, and Universities. But of these the State only regulated the primary or elementary schools. Do not let it be supposed that the sum granted for these special subjects at all adequately represented the enormous additional expense which the system would entail. The grants under the 4th Schedule represented only a very small part of the extra expense which it entailed in the higher salaries reasonably required for masters competent to teach those subjects in the village schools throughout the country to an utterly insignificant number of children who might learn those subjects far better and cheaper in middle-class schools, if poor, with the aid of Exhibitions; if of the middle class, defraying the cost of their education. The consequence of the present system would be that they would find the self-reliant, self-supporting character of the middle class very much sapped by means of these educational grants—giving them an education out of the rates and taxes at very much less than the cost price; and this self-reliant spirit would be sapped in spite of all they heard of the strongly dispauperizing influences of this higher education. Do not let it be said that those who advocate some restrictions on the utterly unreasonable development recently given to the system, and now proposed to be continued by the present Government, were opposed to the upward progress of the children of the wage class. In the same admirable Report Lord Taunton's Commission specially recommended that a sufficient part

Department in defining what primary education was. He held in his hand a letter from one of the chief school boards in England, and one which had received the panegyrics and encomiums of a late Vice President of the Council (Lord George Hamilton). That letter said that of all the children in the primary schools at Sheffield only 15 were over 14 years of age. There was another test as to whether the primary schools were being diverted from their proper purpose. They had analyzed the occupations of the fathers of all the children who were in the higher grade schools, and by far the great majority of the children were children of artizans. He admitted that in Birmingham there was a different state of things, because there was a secondary school in the town which gave education to poor children; but, at the same time, the Birmingham School Board was one of the most influential in the country, and would not take into their schools children above a certain age. In that town there were 55 school departments, with an attendance of 21,947 children, and the total number of children over 14 years of age was only 150. The number of children in the schools of England above 14 years of age was exceedingly small. It was said that by encouraging secondary instruction in elementary schools they were increasing the expenses of the State. He thought they must not grudge an increased expenditure for giving sufficient and proper education to the children throughout the country. It had been said by the right rev. Prelate (the Bishop of Exeter) that the secondary education given in the schools was a systematic smattering of science; but he (Earl Spencer) on the other hand, contended that though many of the subjects comprised in the 4th Schedule had long names they were still very simple, and that some of them were of a character which would specially interest agricultural children. He would be the first to oppose these subjects being taught in the elementary schools if he considered the result would be simply "cram"; but if the regulations were carefully examined it would be found that every kind of condition and stipulation was put upon the grant to prevent the occurrence of such a result. A noble Duke (the Duke of Somerset) attacked geology. He would venture to correct his noble Friend by saying that geology was not one of the

subjects mentioned in the Schedule referred to. He would remind the noble Duke of what Dr. Johnson said. He said "that if they gave a child in a village a gold laced waistcoat they made him very conceited; but if they gave all the children in the village gold laced waistcoats he would no longer be conceited." If they gave education, as far as possible, to all children there would not be the danger to which the noble Duke referred. A very large proportion indeed of the children passed in reading. He maintained that he had made no alteration of any practical importance in the Code of 1879. He added certain subjects for class teaching apart from Schedule IV. in order to give more latitude to the teachers, who should not be bound to teach subjects in which they had no interest whatever. Since the last debate took place on this subject Her Majesty's Government had received 17 Memorials from important school boards against the limit of age to 14 years, and from six school boards against any alteration as to specific subjects in Standard IV. These were expressions of opinion from very important educational centres; and were they, he asked, to disregard them? The noble Duke (the Duke of Richmond and Gordon) had taken up a position which he found it difficult to understand. The noble Duke would vote for the omission of Schedule IV. from the Code. That Schedule had been first introduced into it when the noble Duke was Lord President. Why did he now propose to strike out these subjects, which had been for five years or more part of the education of the country? He surely ought rather to have moved an Amendment to put in the Resolutions, which in the Code now in the title had been omitted. It had been stated in the debate that Scholarships had been provided for the children of poor parents; but they were in very few instances available for lower class children, however deserving they might be, and these would be deprived of all chance of any high grade of education if the Government were to act on the advice given by the noble Duke. For his part, he protested against such a course being adopted. It would have an exceedingly bad effect on the country, and would place the labouring and manufacturing classes at a great disadvantage, not only as compared with

the Scotch, who, as his noble Friend (the Duke of Argyll) had said, had long ago enjoyed higher education in their primary schools, but also as compared with the working classes of other countries. He, therefore, implored their Lordships not to take the step to which they had been invited. He would take care to inquire fully into the subject, and might say that he did not at all disparage the opinions that had been expressed in the course of the debate; and if he should come to the conclusion that it was desirable to propose some condition in order to prevent our drifting into secondary education in elementary schools, he certainly should not shrink from doing so.

On Question? their Lordships divided :—Contents 98; Non-Contents 50: Majority 48.

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Resolved in the Affirmative.

The said Address to be presented to Her Majesty by the Lords with White Staves.

THE NATIONAL GALLERY — EXTENSION OF HOURS OF ADMISSION.

MOTION FOR A PAPER.

VISCOUNT HARDINGE moved for Copies of the Resolution passed by the Trustees of the National Gallery, with their explanatory remarks, on the question of keeping the Gallery open throughout the year, and the admission of the public on students' days. The noble Viscount admitted that the que-

tion was one of much difficulty and delicacy; but said he understood that the Trustees, though not desiring to change the existing system, were anxious to act up to the spirit of any deliberately expressed opinion of Parliament in reference to the question.

EARL GRANVILLE said, he was not able to give the noble Viscount any positive assurance as to the course which Her Majesty's Government might think it necessary to take; but he could, at any rate, promise that the question should have full and careful consideration.

Motion agreed to.

BURIALS BILL.

(The Lord Chancellor.)

(nos. 73, 86.) REPORT.

THE BISHOP OF CARLISLE said, there was a strong feeling throughout the country that, after the passing of that Bill, the cost of maintaining the burial-grounds should be put upon some public rate. He did not propose any Amendment in this direction himself; he thought there were obvious objections, which the noble and learned Lord upon the Woolsack would be able to adduce; but he had brought forward the question as it had been strongly pressed upon him by others.

THE LORD CHANCELLOR said, he was not aware that the passing of this Bill would increase the expense of maintaining the churchyards, or that it could, therefore, be necessary to change the present system of providing for the cost. He did not say that, if it were necessary, Parliament might not be willing to provide for the maintenance of churchyards still in use, as well as of those which had been closed by public authority, though the cases were substantially different. But, before he could come to the conclusion that this was desirable, he must be satisfied that the conditions, on which alone Parliament could be expected to agree to it, would be generally acceptable to the clergy. If the cost of maintenance was put upon a public rate, the management of the churchyards must be taken out of the hands of the parochial clergy, who took a very great interest in them, and put in charge of a public body elected by the ratepayers, a course which he should not himself wish to see adopted, unless it could be proved to be necessary, or, at least, very generally

desired by Church people, which he did not believe to be the case.

VISCOUNT CRANBROOK agreed with the noble and learned Lord on the Woolsack in thinking that it would be unwise to take any step which could have the effect of taking the management of the churchyards out of the hands of the parochial clergy.

Amendments reported (according to Order.

Clause 1 (After passing of Act, notice may be given that burial will take place in churchyard or graveyard without the rites of the Church of England. Graveyard to include cemetery).

On the Motion of The LORD CHANCELLOR, the following Amendments made:—

In page 1, leave out after ("writing") in line 10 to ("Act") in line 12 inclusive; after line 25 insert—

"Such notice shall be in writing, plainly signed with the name and stating the address of the person giving it, and shall be in the form or to the effect of Schedule (A.) annexed to this Act; "

Page 2, line 2, at end of clause add—

"Save as herein provided, the word 'graveyard' in this Act shall mean any burial ground or cemetery vested in any burial board, or provided under any Act relating to the burial of the dead, in which the parishioners or inhabitants of any parish or ecclesiastical district have rights of burial, and of which no part is left unconsecrated; and in the case of any such burial ground or cemetery, if a chaplain is appointed to perform the burial service of the Church of England therein, such chaplain shall be deemed to be the incumbent or officiating minister, to whom notice is to be given under this Act; and such notice as aforesaid shall also be given to the clerk of the burial board, if any, in whom any such burial ground or cemetery may be vested."

Clause, as amended, *agreed to.*

Clause 3 (Time of burial to be stated, subject to variation).

On the Motion of The LORD CHANCELLOR, Amendment made in page 2, line 22, before ("usual"), by inserting ("address or").

Clause, as amended, *agreed to.*

Clause 6 (Burial may be without religious service).

Moved, in page 3, line 20, to leave out all the words after ("Christian") to the end of the clause, and re-insert them with the exception of the words ("Pro-

vided always") as a separate clause to follow Clause 6.—(*The Lord Chancellor.*)

THE ARCHBISHOP OF CANTERBURY said, he was still of opinion that the Amendment of the noble Earl (the Earl of Mount Edgcombe) was objectionable, inasmuch as the Act containing it would not put an end to the difficulty, but would keep the question open in every parish where there was an unconsecrated burial ground, and cause an agitation for an unconsecrated burial ground where one did not now exist. Where there was no unconsecrated ground every effort would be made to get a little bit, in order to prevent Nonconformists being buried in the churchyards.

THE EARL OF FEVERSHAM believed that the retention of the Amendment, instead of creating controversies as dreaded by the most rev. Primate, would promote good feeling and harmony between different denominations of Christians throughout the country. He therefore supported the Amendment.

THE BISHOP OF LONDON also feared that the Amendment would perpetuate the grievance, because Dissenters having possessed and used the right of burial in the churchyards, would lose it when a cemetery was made, so that families would not be buried together.

THE EARL OF MOUNT EDGCOMBE thought that the Amendment would work well, and he hoped that it would be agreed to, subject to an alteration, that the Act in this respect should not come into operation until July 1881.

THE ARCHBISHOP OF CANTERBURY thought that some delay in bringing the Act into operation would be grateful to many members of the Church.

THE LORD CHANCELLOR said, that he would consider the suggestion.

Amendment agreed to ; words struck out accordingly.

Clause, as amended, *agreed to.*

New clause (Act to apply only to parish, &c., where no unconsecrated burial ground for parishioners) *agreed to*, and *inserted* in the Bill.

Clause 7 (Burials to be conducted in a decent and orderly manner, and without obstruction).

Moved, after clause, to insert the following clause:—

(*Powers for prevention of disorder.*)

"All powers and authorities now existing by law for the preservation of order, and for the prevention and punishment of disorderly behaviour in any churchyard or graveyard may be exercised, in any case of burial under this Act, in the same manner and by the same persons as if the same had been a burial according to the rites of the Church of England."—(*The Lord Chancellor.*)

Amendment agreed to ; clause inserted accordingly.

Clause 8 (Act not to give right of burial where no previous right existed).

Moved, That the following words be added to the clause:—

"Or without performance of any express condition on which, by the terms of any trust deed, any right of interment in any burial ground vested in trustees under such trust deed may have been granted."—(*The Lord Chancellor.*)

Amendment agreed to ; words added accordingly.

Clause, as amended, *agreed to.*

Clause 12 (Relief of clergy of Church of England from penalties in certain cases).

On the Motion of The LORD CHANCELLOR, the following Amendments made:—In page 5, line 17, after ("dead") insert ("the first six of which were"); line 21, leave out ("such of the same"), and after ("recommendations") leave out ("as are") and insert ("to the same effect with those"); line 27, leave out ("no") and insert ("it shall be lawful for any"); line 28, leave out from ("shall") to ("also") in line 35 inclusive, and insert—

("In any of the cases and matters provided for by the several forms of altered and additional rubrics contained in the said Schedule (C.), to act in conformity therewith without being subject to any ecclesiastical or other censure or penalty: Provided always.")

THE EARL OF CAMPERDOWN, in moving, as an Amendment, to leave out the clause, and insert the following clause:—

"No minister in holy orders in the Church of England shall be subject to any censure or penalty for declining to officiate in any case with the service prescribed by law for the burial of the dead according to the rites of the said church in any churchyard, burial ground, or cemetery. It shall not be unlawful for the minister, at the request or with the consent of the kindred or friends of the deceased to use only the following service at the burial—prayers taken from the Book of Common Prayer and portions of Holy Scripture approved by the Ordinary,"

said, the schedule to which the clause referred was objectionable, in that it altered the rubrics in a partial manner. An alteration of the rubrics was an extreme course, not to be adopted without great care, and should make the rubric as perfect as possible. If this Amendment were accepted, he should move the omission of the schedule also. The grievances of the laity had to be considered, but he thought those of the clergy ought to be regarded. The Bill would authorize three or four different burial services. There was, first, the ordinary burial service; second, a shorter service, which was to be used in cases where the clergyman might object to use the present service, when, perhaps, the deceased had been a drunkard, or otherwise disreputable; thirdly, there was the service over excommunicated or unbaptized persons, or those who had laid violent hands on themselves. He objected to placing the unbaptized in the same category with the excommunicated or suicides; and as to the second kind of service, he thought difficulties would arise which his proposal would relieve the clergy of and transfer to the friends of the deceased. Both clause and schedule were designed to relieve the clergyman from the necessity of reading the service where he had conscientious objections to it, and he proposed to give him relief in a different way. His next objection to the schedule was that there was very little chance of its passing the House of Commons. The Bill would be sent back to their Lordships with all those clauses gone which relieved the consciences of the clergy, and simply that portion of the Bill retained which allowed other services than those of the Church of England to be performed in the churchyard. It would then, no doubt, be in their Lordships' discretion to deal with the Bill as they thought fit; but suppose they threw out the Bill, they would have this discussion renewed next year, and that he (the Earl of Camperdown) would be very sorry to see. If they were to give relief to the clergy, let them do it in a way that would be effectual, and in the way that the clergy wished. The clause he proposed would enable them to decline, if they chose, to perform the service over a deceased person. For the first time, ministers of other denominations,

equally with the clergymen of the Church of England, were to be allowed to enter the churchyard and perform services. The responsibility for the conduct of the funerals was transferred from the clergyman to the friends of the deceased. Under these circumstances, he could not see any good reason why they should say to the clergyman of the Church of England alone that he must read the service whenever he was called upon. Any other clergyman could decline, and why should not the clergyman of the Church of England? In the second part of the clause he provided for the case of the unbaptized, where the clergyman might feel unwilling to read the whole service, but was perfectly ready to use a shorter form of service. He could not conceive that in the Commons there would be any difficulty in accepting the clause he proposed. He wished to deal with the clergy as reasonable and sensible men, and he could not help feeling that many of their difficulties had arisen from the rubrics. If Parliament enabled the clergy to exercise their discretion, he did not think the liberty would be abused. The noble Earl concluded by moving the Amendment.

Moved, to leave out Clause 12, and insert the following Clause:—

"No minister in holy orders of the Church of England shall be subject to any censure or penalty for declining to officiate in any case with the service prescribed by law for the burial of the dead according to the rites of the said church in any churchyard, burial ground, or cemetery.

"It shall not be unlawful for any minister, at the request or with the consent of the kindred or friends of the deceased, to use only the following service at the burial: Prayers taken from the Book of Common Prayer and portions of Holy Scripture approved by the Ordinary."—(*The Earl of Camperdown.*)

THE LORD CHANCELLOR said, his noble Friend (the Earl of Camperdown) had made a very bold proposal. It amounted to nothing less than this—that every clergyman might refuse to perform the burial office whenever he pleased; that the laity no longer should have the right to the services of the clergy in the burial office. If Convocation did not see its way to propose anything of the kind, it could scarcely be thought probable that Parliament would be induced to pass it. The noble Earl seemed

to fear that the other House would not agree to the clause as it stood. He hoped there was no sufficient reason for that fear. But, if there was, the more violent course proposed by the noble Earl would have still less likelihood to being agreed to. If they were to allow the parish clergyman to have a right to refuse to perform the service, there should, at least, be given a right to any other clergyman of the Church of England, who was ready to do so, to perform that service in the absence of the clergyman who originally refused. That, the noble Earl's Amendment did not give; but, on the contrary, it gave to the parish clergyman an unbounded discretion to do as he liked as to performing or not performing the service, and did not provide for any substitute, if he refused.

THE ARCHBISHOP OF CANTERBURY gave his noble Friend (the Earl of Camperdown) credit for desiring to confer a boon upon the clergy; but he was afraid it was one which the clergy would have serious difficulty in accepting. The noble and learned Lord on the Woolsack so fully expressed his (the Archbishop of Canterbury's) views, that he need not further refer to the clause.

On Question? *Resolved in the Negative.*

Clause, as amended, *agreed to.*

On the Motion of The LORD CHANCELLOR, the following clause was inserted, after Clause 12:—

(Saving as to Ministers of Church of England.)

"Save as in this Act expressly provided as to ministers of the Church of England, nothing herein contained shall authorise or enable any minister who shall not have become a declared member of any other Church or denomination, or have executed a deed of relinquishment under the "Clerical Disabilities Act, 1870," to do any act which he would not by law have been authorised or enabled to do if this Act had not passed, or to exempt him from any censure or penalty in respect thereof."

On the Motion of The LORD CHANCELLOR, the following Amendment made:—In Schedule C, leave out paragraph 7.

Schedule, as amended, *agreed to.*

Bill to be read 3^d on *Thursday* next, and to be *printed* as amended. (No. 89.)

House adjourned at half past
Eight o'clock, to Monday
next, Eleven o'clock.

The Lord Chancellor

HOUSE OF COMMONS,

Friday, 18th June, 1880.

The House met at Two of the clock.

MINUTES.] — SELECT COMMITTEE — Law of Newspaper Libel, *re-appointed and nominated.* WAYS AND MEANS—*considered in Committee*—£4,925,320, Consolidated Fund.

PUBLIC BILLS—*Ordered—First Reading*—Public Health (Scotland) Provisional Order (Blantyre)* [233]; Public Health (Scotland) Provisional Order (Lanark)* [234]; Inclosure Provisional Order (Stevenston Common)* [235]; Inclosure Provisional Order (Llandegley Rhos Common)* [236]; Inclosure and Regulation Provisional Order (Lizard Common)* [237]; Inclosure Provisional Order (Hendy Bank Common)* [238]; Compensation for Disturbance (Ireland) [232].

First Reading—Settled Land* [230]; Conveyancing and Law of Property* [231].

Second Reading—Savings Banks [188], *debate adjourned*; Union Assessment Committee (Single Parishes)* [212].

Committee — Relief of Distress (Ireland) Act (1880) Amendment [205]—*R.P.*

Third Reading—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 2)* [187]; Gas and Water Orders Confirmation* [176]; Local Government Provisional Orders (Abingdon, &c.)* [129]; Metropolitan Commons Supplemental* [112], and *passed.*

REPORTING.

Message from The Lords [15th June], requesting this House to give leave to Peter Stewart Macliver, esquire, to attend as a Witness before the Select Committee appointed by the House of Lords on Reporting, considered:—Leave given.

QUESTIONS.

FISHERY PIERS (IRELAND).

MR. LEA asked the Financial Secretary to the Treasury, If it is a fact that the sanction of the Treasury was given some time ago for Grants towards three piers in county Donegal:—at Ballysaggart, Poalhurrin, and Bunnatroohan; that the one-fourth required was paid to the Board of Works, and all preliminaries required by the Act complied with; and, if so, what reason exists for delay in commencing works in those localities where employment is so much required?

LORD FREDERICK CAVENDISH: Sir, the preliminaries in respect of the piers mentioned were completed on the 14th of April, the Treasury having previously given their sanction for grants in aid, and the local contribution having been paid in. Difficulties have, however, been met with in obtaining contracts for the works; but contracts were entered into for Bunnatroohan on the 28th of May, for Ballysaggart on the 1st of June, and for Poalhurrin on the 11th of June. The contractors are now collecting materials for the works, and the Board of Works will urge upon them the desirability of proceeding with them as soon as possible.

MR. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Departmental Committee appointed to report on the most desirable places on the Irish Coast for the construction of Fishery Piers and Harbours had yet made a report; and, if not, when they may be expected to do so; and, whether the Board of Works will be in a position to secure the Canadian Grants by having the works which shall be decided on proceeded with before the 1st of August?

MR. W. E. FORSTER, in reply, said, the Committee had not yet made their Report, as they had very many applications to take into their consideration. They were, however, quite aware of the necessity which existed for expedition, and he had no doubt that they would arrive at a conclusion as soon as possible. In answer to the second Question, he had to state that it would depend entirely on whether the Relief of Distress Bill would be passed in sufficient time to enable the preparatory notices to be given whether the works would be proceeded with before the date named.

MR. O'CONNOR POWER said, as the present was the second time he had asked the right hon. Gentleman a Question about the Committee, he suspected it was doing absolutely nothing. He would now ask the right hon. Gentleman whether the Committee was actually sitting, and had taken any steps to carry out the object for which it was appointed?

MR. W. E. FORSTER said, that unofficially every Member of the Committee was working in the matter, al-

though he was not sure in the case of the Representative of the Admiralty. Whether the Committee had held an official meeting or not he did not know; but there was not, at all events, the slightest danger that any of the Canadian grants would be lost owing to any remissness in the action of the Committee.

MR. O'CONNOR POWER gave Notice that on the Motion for going into Committee on the Irish Relief Bill he would call attention to the inefficiency of the Irish Fishery Piers Departmental Committee, and to the necessity of improving the machinery for administering the provisions of that Bill, part of which had reference to this Irish Fishery Committee.

DISTRESS (IRELAND)—RELIEF WORKS IN GALWAY.

MR. MITCHELL HENRY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he will lay upon the Table of the House a Copy of the ordnance map showing the relief works authorised by the Government in the county of Galway up to the 16th June, together with a Return of the number and estimated cost of the works presented for at the Special Sessions in each of the baronies of Ballynahinch, Moycullen, and Ross; and a Return of the number of these works passed by the Board of Works, but subsequently rejected by the Local Government Board, together with their estimated cost, and showing also the works allowed by the Government and actually in progress, with the number of men employed?

MR. W. E. FORSTER: Sir, I would ask the hon. Gentleman to put the Question on Monday, as I only saw the Notice this morning, and have not had time to communicate with my noble Friend on the subject.

NAVY—H.M.S. "ATALANTA"—THE PAPERS.

MR. NORWOOD asked the Secretary to the Admiralty, If he will lay upon the Table of the House the instructions issued to the Court of inquiry on the loss of H.M.S. "Atalanta?"

MR. SHAW LEFEVRE: Sir, there will be no difficulty in producing the in-

structions referred to; and if the hon. Member will move for them, they shall be laid on the Table of the House.

DISTRESS (IRELAND).

MR. TOTTENHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to a circular issued by the authority of the Lord Lieutenant bearing date 9th June inst and addressed, in the form of instructions, to the justices and associated cesspayers at extraordinary baronial presentment sessions, and which directs that, where no tender for the execution of certain works shall have been accepted, the secretary of the grand jury shall give the work in charge to the county surveyor, who is required forthwith to execute the same; whether such direction does not directly conflict with the discretion of the legally constituted tribunal; and, whether he will take steps to procure the recall of the circular?

MR. W. E. FORSTER: Sir, I have seen the circular, and, in fact, I may say I am responsible for it. The directions contained in it will not conflict with the discretion of any legally constituted tribunal, and I have no intention to take any steps to procure its recall. It was issued by the Lord Lieutenant under the Relief of Distress Act of 1880, to avoid the evil of any delay in proceeding with the relief works already authorized at baronial sessions.

EMPLOYERS' LIABILITY BILL— GOVERNMENT DOCKYARDS.

MR. MACDONALD asked Mr. Attorney General, If persons that are employed in the dockyard and other public works of the Government fall within the provisions of the Employers' Liability Bill; and, if they do not, if he would explain why are they excluded from the protection intended for other workmen?

THE ATTORNEY GENERAL (SIR HENRY JAMES), in reply, said, the workmen referred to did not come within the provisions of the Bill. It was not intended that they should be included in its provisions, for it was a well-known legal principle that the Crown could not be proceeded against by a subject in respect of any alleged wrong; so that if

workmen in the Government Dockyards were brought within the scope of the Bill, they would be placed in a better position than the rest of the public.

THE IRISH LAND ACT, 1870.

MR. FINIGAN begged to give Notice that he should ask the First Lord of the Treasury, If he would lay upon the Table of the House a Copy of the Letter which he referred to on Thursday, in his reply to a Question, addressed to the Duke of Richmond and Gordon, the President of the Royal Commission on Agriculture, intimating the intention of Her Majesty's Government to appoint a Special Royal Commission to inquire into the Irish Land Act of 1870, and which statement was laid before the Royal Commission at the meeting on Wednesday.

MR. GLADSTONE said, he might save his hon. Friend some trouble by stating that if he liked to move for it, there would be no objection to its production.

MR. SEXTON said, that, perhaps, the Chief Secretary for Ireland would not object to state whether the Royal Commission would be instructed to report with a view to legislation next year?

MR. W. E. FORSTER replied, that he had not heard of the Question until that morning, so he must ask if it appeared in the Notice Paper yesterday?

MR. SEXTON: I gave the Notice yesterday.

MR. W. E. FORSTER: I must ask for it to be placed upon the Paper in the usual course.

HARES AND RABBITS BILL.

MR. HENEAGE asked the First Lord of the Treasury, When he proposes to take the adjourned discussion on the Hares and Rabbits Bill; and, whether he will place it as a first Order for some day previous to the commencement of Quarter Sessions?

MR. GLADSTONE, in reply, said, that the state of Public Business did not allow him at present to fix a day for proceeding with the adjourned discussion on this Bill. When the Government were able to fix a day, they would endeavour to fix it in such a way as to meet the convenience of all hon. Members who were particularly interested in the measure.

THE TREATY OF BERLIN—EXECUTION OF THE ARTICLES.

MR. ASHMEAD-BARTLETT asked the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to enforce the fulfilment of those provisions of the Treaty of Berlin which ensure justice to Turkey and to the Mussulman population equally with those provisions which deprive the Ottoman Empire of portions of its territory; whether Her Majesty's Government will enforce the establishment of Batoum as a free port and the demolition of the new Russian fortifications, the removal of the Russo-Bulgarian flotilla from the Danube, the dismissal of Russian officers and soldiers from the Bulgarian forces, the demolition of the fortresses in Bulgaria, especially of Schunla, Varna, Rustchuk, and Silestria, the garrisonry of the Balkans by Ottoman troops; and, whether Her Majesty's Government will take effectual measures to restore the remnant of the Mussulman population of Bulgaria and of Eastern Roumelia to their homes and property, and to secure adequate protection for their persons and property?

MR. GLADSTONE: Sir, I hope the hon. Gentleman, as he has only very recently entered this House, will excuse me if I suggest to him a change in the method of framing his Questions. It is very inconvenient to the House that a Minister who has to answer a Question should, instead of giving a direct and simple answer, be compelled to enter into explanations for the purpose of obviating inferences which otherwise must necessarily be drawn. In answer to the first part of the hon. Gentleman's Question, I have to say that Her Majesty's Government have never made any declaration whatever about enforcing any of the provisions of the Treaty of Berlin.

MR. ASHMEAD-BARTLETT: I am quite willing to substitute the words "press for," in the place of "enforce."

MR. GLADSTONE: It is undoubtedly our intention to proceed with perfect impartiality as between Turkey and Russia, as between the Mussulman and Christian populations in regard to the provisions of the Treaty of Berlin. In the second paragraph of his Question, the hon. Member enumerates various particulars with regard to which I am not cognizant of the facts. There has been up to the

present time nothing like a violation of the Treaty of Berlin. No intelligence has reached me to the effect that Batoum is not established as a free port. I know nothing on the subject. It is our intention, with regard to the whole of these subjects, to adhere, as far as we are able, both in the letter and in the spirit, to the Treaty of Berlin. There is one point, I believe, provided for by the Treaty of Berlin with regard to the demolition of fortresses. That is a matter of some expense and difficulty, and there may be some pleas for time, which itself, in some respects, does the work of demolition. At the same time, I agree that the provisions of the Treaty of Berlin ought to be faithfully and fully carried out in that respect. As regards the last paragraph of the Question, I have to say that it is the business of the Turkish Government to send back to Eastern Roumelia and to Bulgaria the refugees whom, most unhappily, during the war the Turkish Government used the strongest measures to remove from the country. If Her Majesty's Government learn that the return of these refugees is unduly obstructed or resisted by the Governments of Bulgaria or Eastern Roumelia when they are duly sent back with proper provisions for their establishment, undoubtedly it will be the duty of the Government to use their best exertions to procure their return and their equitable treatment.

MR. J. COWEN: Sir, the announcement just made by the right hon. Gentleman, that the Government would insist upon the Treaty of Berlin being carried out irrespective of nationalities and creeds, must have been received by the House with satisfaction. Now, I wish to ask this Question. Her Majesty's Government, with the other Powers of Europe at the Conference now sitting, are seeking to extend the territory of Greece and to confirm the boundaries of Montenegro. In doing so, they must necessarily encroach upon the nationality of Albania; and I should like to learn from the right hon. Gentleman whether the Government are prepared, in seeking to extend the territories of the Greeks and Montenegrins, to pay due regard to as distinct and as noble a State as now exists in Europe, and which has nothing in common in blood, language, or manners with its neighbours? ["Order!"] I was only stating enough to explain my

Question. I simply wish to ask, Whether, in seeking to extend Montenegrin territory in the north and Greek territory in the south, regard will be had to the nationality in the centre?

MR. GLADSTONE: Sir, I think the Question and criticism of the hon. Member really amounts to this—whether, in my answer to the hon. Member opposite (Mr. Ashmead-Bartlett), I meant what I said, or did not. Of course, if I meant what I said, we are bound to have the same fair regard to all the facts of the case, and to the element of nationality and to the peculiar circumstances of Albania, as we should do in reference to any other portion of territory.

GLOUCESTER ELECTION.

MR. MONK: As I do not see the noble Lord the Member for Woodstock (Lord Randolph Churchill) in his place, I beg to give Notice of a Question which I intended to ask him to-day. The noble Lord did not adopt the usual practice of giving Notice to an hon. Member that he would on a future day bring forward what he was pleased to call “the grave imputation of the learned Judge” on the conduct of that Member. Therefore, I give Notice that on Monday I will ask the noble Lord why he defers for a whole week the Motion of which he has given Notice, and which now stands on the Order Book, instead of bringing it forward at the earliest possible opportunity?

ORDERS OF THE DAY.

RELIEF OF DISTRESS (IRELAND) ACT (1880) AMENDMENT BILL.

(*Mr. W. E. Forster, Lord Frederick Cavendish.*)

[BILL 205.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair.”—(*Mr. W. E. Forster.*)

MR. PARNELL said, he hoped the Chief Secretary for Ireland would abandon his intention of proceeding with that stage of the Bill at present, because he thought the Irish Members should have an opportunity of considering the situation and line of action they proposed with regard to the Bill. It was important they should know the

intention of Government in the matter, both as regarded the interests of Ireland and the saving of the time of the House. If they were compelled to go into a premature discussion upon the Committee stage of that Bill at that moment, they might be obliged to give the debate an extent and a tendency which they might find themselves in a position to avoid hereafter. The course of the Government, in any case, was unusual. The second reading of the Bill was taken last night after full and fair time had been allowed for its consideration, and then the Committee stage was put down for to-day, without affording any time to Members to place Amendments upon the Notice Paper. He saw, however, that some Members, endowed with greater activity than the generality of Irish Members, did succeed, in the five minutes that had elapsed between the second reading and the rising of the House, in placing some Amendments upon the Notice Paper; but a very large number of Amendments which had been prepared by the Irish Members it was utterly impossible to place on the Paper. It had always been the custom of the House to take the Motion for going into Committee on a Bill at a time when it was possible that Amendments might appear on the Notice Paper; but by the present action of the Government they were entirely debarred from the advantages which the Rules of the House usually afforded to Members. He thought it would be a course that would be convenient to the House to postpone the Committee on the Bill, and he asked that that should be done in the interests of Ireland. It would be in the recollection of the House that on the second reading of the Land Act Bill introduced by his hon. Friend the Member for Mayo (Mr. O'Connor Power), the Government received it in a friendly spirit, and there was nothing that took place at that time that could have led the House to suppose that the Government intended subsequently to oppose it; but, after a week or so, in obedience to a pressure of a section behind the Government, the Chief Secretary for Ireland announced, without waiting to hear the reasons that might be urged in debate, that the Government could not accede to the second reading of the Bill, and stated that it was intended to amend the present measure for the re-

Mr. J. Cowen

lie of the Irish distress by the introduction of a supplementary clause giving power to County Court Judges to award compensation for eviction. The Notice of the introduction of the clause involved a very important change in the policy of the Government as regarded the relief of the distress in Ireland. It was true that the distress in Ireland could not be satisfactorily relieved without some amendment of the law between landlord and tenant; but they found in the vacillation that had marked the Government in the conduct of this matter a want of firmness, a want of belief that they had any force behind them on which they could rely, because, in obedience to the Motion of the hon. Member for Mid Lincoln (Mr. Chaplin), the Government could change their policy, and abandon their intention of introducing the clause that had been announced. He found now that the subject intended to have been introduced in the Bill by the Government was to be brought forward in a fresh Bill, of which the right hon. Gentleman the Chief Secretary for Ireland had given Notice. All they knew was that he had given Notice of it, though no further guarantee in respect of it. They had no surety that in a few days the right hon. Gentleman would not come and announce that owing to the pressure of Public Business he felt unable to proceed with the Bill. If they allowed the present Bill to go through without some assurance that the other Bill would not be abandoned, they might be left entirely in the lurch. Under all these circumstances, in view of all these changes of front on the part of the Government, three in number during the last three or four days, he thought the Irish Members should be afforded an opportunity of meeting together and considering what policy they would adopt on the Committee stage of the Irish Relief Bill; whether they would permit it to go through on the vague assurance they had received from the Government of the introduction of another measure of the terms of which they knew nothing, or whether they would adopt some special course. He had seen enough already to be able to indicate that it would be a saving of the time of the House to afford the Irish Members the opportunity they asked for. Even without the very exceptional circumstances he had mentioned, they

were entitled by the ordinary practice of the House to more than 12 hours' Notice of the Committee stage of that important measure. The constituencies represented felt very deeply upon the matter, and would not be satisfied unless the course he proposed were adopted. He could understand the difficulties under which the Government laboured in dealing with any Irish question; he could understand that they had a majority that was not well acquainted with the condition of affairs in Ireland—not so well acquainted as even the Chief Secretary for Ireland himself—and that those difficulties only made it more difficult for the Chief Secretary to carry out his views as to what was right and proper for the government of Ireland. At the same time, the Irish Members had their difficulties; and they felt that they must stand firm in respect to this question, that they should lose no opportunity of pressing their views upon the House for endeavouring to revise the practice that formerly existed with respect to Irish affairs, and of trying to strengthen the Chief Secretary for Ireland in his good intentions with regard to the good government of the country he had adopted. He trusted, therefore, the right hon. Gentleman would consent to postpone the present stage of that important measure until they had a further opportunity of considering what course they should adopt. There was no particular hurry about the matter, because the money Parliament was asked to grant was not going to buy bread for a single person wanting it in Ireland, and, as regarded the fishery piers, any period of the season would do as well for the passing of the measure. Therefore, he would ask the Chief Secretary to postpone the Committee stage of the Bill until they had an opportunity of seeing the other Relief of Distress in Ireland Bill which it was proposed to introduce, and of ascertaining whether the Government really intended to press it forward. He moved, therefore, the adjournment of the debate.

Motion made, and Question proposed,
 "That the Debate be now adjourned."
 —(*Mr. Parnell.*)

MR. GLADSTONE said, that the remarks of the hon. Member were doubtless inspired by admirable motives, which, however, had to be stated somewhat

plainly in order to be discoverable in the general object of his speech. He was glad to hear that the hon. Member wished to strengthen the hands of the Government, but should not have inferred from the previous part of his speech that he had any such intention. He should, therefore, take no notice of the contentious portions of the hon. Member's speech, whether as regarded his comments on the action of the Government or on the prejudices which he ascribed to the majority sitting on that side of the House. The hon. Member had referred to one subject on which it was necessary that he should say a word or two. The hon. Member had stated that there was no fixity of purpose with regard to the supplemental clauses of the Bill, and that he did not know whether or not they were to be abandoned. The hon. Gentleman would be best satisfied with the reality of the intentions of the Chief Secretary for Ireland when he observed that the right hon. Gentleman had given Notice at the earliest time in his power—namely, to-night—for the introduction of the Bill. If he allowed the Bill to be read a first time to-night, it would, in the usual course, be in the hands of hon. Members to-morrow morning. As they were pledged to assign next Tuesday morning for the consideration of the subject, the Chief Secretary would put the Bill down for that day. The hon. Member, therefore, would have the earliest opportunity of testing the views and intentions of the Government in the matter. With regard to the particular Bill before the House, the view of his right hon. Friend and the Government was that its main object was to fulfil the engagements and to redeem the pledges of the late Government, and they inferred from that fact that the main discussion upon it would be taken in Committee. His right hon. Friend had added two clauses on points he regarded as subsidiary; but, in proposing to take the Committee immediately after the second reading, his right hon. Friend was really proceeding on the principle he had stated. He was quite aware, however, that it would not be just and fair to the Irish Members to force on them a discussion of the clauses. He thought the hon. Gentleman himself last night expressed an opinion that it would be perfectly allowable to take the Committee to-day. [Mr. PARNELL dissented.] The hon. Member would see that on

account of all these Irish questions they had really consigned to virtual suspension the rest of the Business of the House. Last night they devoted to a debate on the second reading; they had appropriated to-day to the Committee; and on Tuesday morning they were pledged to take into consideration and ask the decision of the House upon the matter proposed by his right hon. Friend with regard to ejections. If he understood the hon. Gentleman to speak on behalf of himself and hon. Members near him, the Government would be content if Mr. Speaker were allowed to leave the Chair; but he was not prepared at present to name a day for taking the clauses.

MR. PARNELL said, that, after the very satisfactory and kind statement of the Prime Minister, he would ask leave to withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn*.

MR. O'CONNOR POWER said, that the difficulties in the progress of this measure ought to be very instructive to Her Majesty's Government, and teach them that when they proposed to deal with the question of the Land in Ireland their proposals ought to be of a definite character. The Government had adopted, in the construction of the Bill, the policy of their Predecessors, which appeared to be a policy of give and take, only that the giving was to the class that were in the least in need of it—namely, the landlord class. He merely made that remark because he thought the occasion called for it. In order to fulfil the promise which he made a while ago, and to justify the Notice which he gave when the right hon. Gentleman replied to him as to Irish piers and harbours, he wished to point out the great defect observable in reference to those relief measures in Ireland. There was not a single official board in Ireland that had learned the alphabet of its business—not one of them. They were simply nominations of individuals who, in the main, had no practical knowledge whatever of the subjects with which they had been charged. If the Relief Bill was to bring any advantage of an independent or substantial character to the people of Ireland, it would be the business of the right hon. Gentleman the Chief Secretary to see that the provisions of the

Bill were properly carried out by the Board of Works and the other authorities, without whose action the provisions of the Bill were useless. A clause in the Bill proposed to set apart the sum of £30,000 as a contribution in aid of the construction of piers and harbours in Ireland. There was a relief measure, something that was to revive the fishing industry, and what did it amount to? A paltry £30,000, as he was informed, was the sum of money already due to the Irish fisheries in consequence of the non-payment of an annual sum of £5,000. Under these circumstances, and in view of the fact that after putting two Questions to the right hon. Gentleman the Chief Secretary for Ireland, allowing a week's interval between each Question, and finding that he could discover no official evidence of that Departmental Committee having done any work, he was entitled to say it was an insult to the intelligence of the people to see the delay in putting those provisions before the House. He would not resume his seat without saying that he joined in the complaint that had been made by several Irish Members that the late Government and the present Government had drawn on the Irish Church Surplus Fund as the means of meeting the prevailing distress in Ireland. When the Vote of £750,000 was passed on the Relief Bill of last year, everyone in Europe and America thought it represented a generous contribution from Her Majesty's Government, that it was the wealthy people of England and Scotland, and the Exchequer of the Empire, that handed out that large sum; and he remembered reading some foreign newspapers which applauded the English Government for their magnificent generosity. But what were the facts? The fact was, that the magnanimous Government had put their hands into the pockets of the Irish Fund; and then posed before Europe and America as models of Christian benevolence. He mentioned that, to show that if he had been disposed to embarrass the Government in the slightest degree he, as well as other Members, had sufficient cause for complaint. Like his hon. Friend the Member for the City of Cork, he was disposed to place a great deal of reliance on the statesmanship of the Irish Chief Secretary. What was he to think of the

machinery behind the right hon. Gentleman? What was he to think of the officials in Dublin? When the right hon. Gentleman came down and gave evasive answers—[“Oh!”]—he did not mean that the right hon. Gentleman could give any other, seeing the position in which the officials in Dublin had placed him—his conclusion must be that this Departmental Committee was absolutely doing nothing, and that the Canadian grants never could be realized unless pressure was employed by the Government. If the action of the Departmental Committee was to be imitated by other officials in Ireland charged with carrying out other provisions, he said they had better put the Bill out of the House of Commons at once. However, he was disposed to assent to the Motion that they formally went into Committee on the Bill, on the understanding that they were not to consider the clauses now.

MR. VILLIERS-STUART: Sir, no one acquainted with the present condition of Ireland doubts that a large addition to the grant for relief of distress is necessary; but the question is, out of what fund that grant shall come, and through what agencies it can be most efficiently distributed? There is a universal consent among all classes of Irishmen that it ought not to come out of the Church Surplus, because that is a fund raised from the entire land of Ireland—the property, therefore, of the entire country, and it ought, therefore, to be applied only to such purposes as the whole country can participate equally in. But it will not be so applied, if it is applied to the relief of distress, because that is partial—limited mainly to the West of Ireland and certain scheduled districts. Of course, if there were no alternative, we should prefer even the sacrifice of this National Fund rather than that our fellow-countrymen should be left in a state of destitution. But there are other alternatives. The hon. Member for Salford, in his maiden speech the other day, came forth like an infant Hercules of debate, strangling those serpents—the landlords—with both hands while yet in his Parliamentary cradle. And he was loudly cheered by hon. Members opposite; but they would not have cheered quite so loudly if they had known a little more of his views, for he is one of those bigoted political

economists, who would oppose most vehemently any grant to Ireland from Imperial resources. He showed the cloven hoof in the course of his speech; for what was the first accusation he brought against the late Government? Why, that they had not met the distress through the ordinary operation of the Poor Laws. Had he been better acquainted with the present state of things in Ireland, he would have known that the burden could not have been thrown upon the ratepayers, because they themselves are so impoverished that even existing arrears of poor-rates cannot be got in without resorting to the odious expedient of distraining what little property is yet left to them, and reducing the ratepayers themselves to pauperism. The poor-rates, then, are not an available resource. But there is another fund to which Ireland contributes her full share, and on which she, therefore, has a claim. I believe I am below the mark when I say that fully one-tenth part of the Imperial Revenue is derived from Ireland. The noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) has pointed out that it would be an inconvenient precedent if, in every difficulty, the Imperial Exchequer were resorted to; but the present crisis is exceptional—it cannot be met out of the usual resources. If Ireland had the management of her own finances, could it be supposed for a moment that she would have sanctioned the expenditure of millions on foreign wars while her own people at home were in dire destitution and distress? The Imperial Government undertakes to manage her finances for us, and they are bound so to manage them that we shall have no reasonable ground for complaint; but we are entitled to complain if our contributions to the Imperial Exchequer have been lavished upon wars of aggression by the million, while not a shilling of it has been devoted to the relief of distress at home. Is not that the fact? Hitherto the distress has been met either from the donations of private charity in England and Ireland, or Australia and Canada, or the United States, and lastly, out of that purely Irish fund—the Church Surplus; but out of the Imperial Exchequer not one shilling has as yet come. We do not ask for assistance from the Imperial Exchequer as a charity, but as a right.

Mr. Villiers-Stuart

I hope the Government will re-consider their decision. No step they can take will give greater satisfaction in Ireland, or be hailed as a surer earnest of their anxiety to meet the just claims of Ireland. The sum so granted will not be lost—every farthing of it will be ultimately repaid. The Government of Lord Beaconsfield has been repeatedly referred to as the late Government; but I would rather call them the too-late Government, for too late they were in the matter of Irish distress. Most earnest representations had been made to them from every quarter—from Poor Law Guardians, from magistrates, from the clergy of both denominations, and from landlords—but to no purpose. Twenty-five Boards of Guardians in all parts of Ireland had agreed to send their chairmen to wait as a deputation upon his Excellency to represent the state of things, and to suggest measures which their experience in dealing with poverty and want suggested as most efficient; and no body of men were better qualified to make suggestions on this subject. But what reply did they receive? Why, that no good purpose would be served by their attendance, for that the Government were already well aware of the state of things. What conclusion are we to draw from this reply? Are we to conclude that his Excellency was callously indifferent to the distress? We know that was not the case; for, in their private capacities, both he and his noble-hearted consort have exerted themselves most zealously to stem the distress. The fact is, his Excellency had made all the representations in his power at headquarters in London, but in vain. At last, they brought forward a measure in the shape of loans to landlords to enable them to give employment. That was a step in the right direction, but it did not go far enough. Concurrently with loans to landlords, loans should have been made to Boards of Guardians, and through them to tenants for the permanent improvement of their holdings, so as to diffuse the relief as much as possible, and bring it home, as it were, to every man's door, and reach every remote corner in which want and destitution, from want of employment, existed. It is not in the power of the landlords to do everything. I must remonstrate with the hon. Member for the City of Cork (Mr. Parnell) for making,

indiscriminately against the landlords, charges unsupported by evidence; I deny that landlords have used these loans as a lever to exact arrears of rent from their tenants. If any landlord has done such a thing, he would deserve to be shown up; but no such case has been proved. They are, in the matter of these loans, merely acting as paymasters, and the distressed labourers get the benefit of it. I myself have taken out one of these loans, and am reclaiming a tract of mountain land with it, which, when reclaimed, will be worth, perhaps, 10*s.* per acre per annum; but as it costs about £18 or £20 per acre to reclaim, the return will only be 2½ per cent—whereas I shall have to pay £3 8*s.* per annum to the Government for the next 35 years; therefore, I shall be out of pocket about 1 per cent per annum on the loan for the rest of my life. I would be quite willing to make over part of my loan to the Board of Guardians if they will act as paymasters instead of me. I think it would be a good thing to empower landlords to give up a portion of their loans to Boards of Guardians, for they would constitute a very suitable machinery for the distribution of relief funds in employment, and I suspect that many a landlord would be glad to avail himself of such a provision. I will move that the following clauses be added to the Bill—[“Order, order!”]—if I am out of Order, I shall submit them in Committee. Meanwhile, I hope that the Government will be disposed to make important Amendments in the Bill, both as to the fund out of which the relief is to come and as to the agencies and machinery through which it is to be distributed.

MR. T. D. SULLIVAN said, there could be no doubt that the distress in Ireland was very urgent and pressing, but the present Bill did not meet it in any adequate or direct manner. He did not believe that any body of men on the face of the earth, except the Members of the late Government, would think of relieving Irish distress by the circuitous process of giving grants to Irish landlords. They had various bodies administering relief in Ireland; large amounts had been sent to them from London and from abroad, and it was remarkable that in these cases no suggestion had been made as to applying the money to relief through the land-

lords. They had the Dublin Mansion House Committee, and not one member of that body had ever suggested such an extraordinary system of relieving Irish distress. In like manner they had the Land League and the Fund got up in connection with the *New York Herald*, both composed of practical and sensible men, and none of them had proposed to alleviate the existing suffering by passing money through the pockets of the Irish landlords. He had listened with great pain to the discussion which had taken place on this subject in the House. What did they find? They found that they were pleading for relief for a people who would not be in need of relief if only justice were accorded to them—for relief to an industrious people who inhabited a fertile country. Why was it that these debates on Irish relief should occupy from time to time the attention of the House of Commons? It was perfectly plain that something interfered with the prosperity of the Irish people—that there was some check and bar to that prosperity; and he found that check and bar in the system of government which the British House imposed upon the Irish people. The true Relief Committee for Ireland would be an Irish Parliament. At the present time there could be no doubt that the condition of the country was one of great suffering, and he feared that that suffering might be accompanied with serious disturbances. The Irish Members were heartily tired of all these discussions. They asked that they should be allowed to apply the resources and revenue of their own country to its necessities and requirements; and so long as they were prevented doing so, the House would have these debates again and again—humiliating debates such as had occurred in connection with the present question. The Bill now before the House would not, unless it were modified and improved in important respects, meet the crisis which now existed; and he hoped it was not too late for Her Majesty's Government to take into consideration whether some better means than it proposed could not be devised. Let the Government consider, for example, whether it would not be better to lend this money not to the landlords, but to the relief of committees which were now keeping the people alive.

MAJOR O'BEIRNE said, the Bill had been actually described as a sham. It was quite incorrect to call it a measure for the relief of distress in Ireland, for it was perfectly inadequate for the purpose for which it appeared to be intended; but he hoped the measure would be sufficiently changed and amended to make it what it pretended to be.

MR. LEAMY said, the Chief Secretary for Ireland was perfectly right, the previous evening, in discarding the weak arguments of the Attorney General for Ireland in favour of the Bill. The Chief Secretary gave as his reason and argument for the measure that the late Government had sanctioned a grant of £500,000 which they had no authority to do; because of that sanction Irish landlords had undertaken works, or had incurred expense preliminary to the prosecution of works; and, in order that these landlords should not be damnified, the present Administration felt compelled to introduce this measure in order to fulfil the promises which their Predecessors made. While he regretted, and regretted extremely, that the late Government should have found no other means of relieving distress than by making advances to the landlords, who had become the hereditary enemies of the Irish tenantry, and to whose intolerance and harsh treatment it was mainly due that the tenants went down at the first shock of the distress, yet he still recognized the force of the obligation which the Chief Secretary asked the House to allow him to fulfil. They had seen the plan proposed by the Government tested, and they had seen that it was a failure. They had seen that, notwithstanding the fact that £250,000 had been issued to the landlords, over 500,000 of the Irish people had been kept from starvation—not by the circulation of the money consequent on the employment given by the landlords, but by the generous hand of foreign charity. If this country did not extend immediate and timely assistance to the Irish people, it was inevitable that the present distress must deepen into famine before the harvest. He had been told that the Chief Secretary was watching the distress. He would tell the right hon. Gentleman that if he waited until the funds of the charity organizations were exhausted, he would wait until a terrible famine had

come upon the people before he was aware of it. The Bill was wholly useless for the purpose for which it was intended; and it could not be wondered at that they had some misgivings as to placing in the hollow of one man's hand the lives of 500,000 of their fellow-countrymen. It had been conceded that this Bill could not meet the existing distress. The Chief Secretary had admitted as much. The obligation on the Government was merely to fulfil the obligations which had been entered into by the former Administration. The present Government had a right to do so; but he could not see why, in order to maintain that honourable obligation, the Chief Secretary and the present Administration should dip their hands into the pockets of the Irish people.

MR. BIGGAR said, it was now conceded by the Government that the Bill was not expected or intended to alleviate in any way the distress at present prevalent in Ireland. It was only a Bill to indemnify the late Administration; and, seeing that that was the case, he would suggest to the present Government that they would curtail as much as possible the amount of money to be given to landlords under the engagements of the late Ministry.

MR. W. E. FORSTER said, the House had kindly listened to him for some time on Thursday evening on this subject, and he should not trouble it long on the present occasion. He quite admitted that if the Irish Members wished for more time to put on the Paper their Amendments to the Bill, that time must be given to them. But he was afraid that the delay would result in endangering the objects which he had in view in pressing forward the measure. The first object had relation to the guarantee for railways, which was a matter deserving very close and careful consideration. His object in introducing the railway clause was two-fold—to endeavour to facilitate the development of some of the most distressed districts where the tenants experienced great difficulty in selling their produce, owing to the want of railway accommodation; and to provide some additional work for the next two or three months. He was afraid, however, that if the Bill were not allowed to go into Committee and passed without delay, its provisions would not be of much use for the purposes of em-

ployment before the harvest. He should very much regret that that should be so; but he was very greatly relieved by finding that hon. Members who came from the distressed districts, and who ought to know the wishes of the people, did not seem to regard that as a matter of any great importance. With regard to the Fishery grant, he had no fault to find with the general tone of the remarks which had been made; but he might give a very strong contradiction—he was going to say a very strong denial—to the statement that he had made evasive replies as to the fishery piers, or as to anything else which had come under his cognizance since he had been in Office. He had endeavoured to say exactly what he thought, and to give to the House all the information in his power. There was no danger whatever in reference to these piers on account of the proceedings of the Departmental Committee. Their object was that the moment the Bill passed they might know exactly what piers the Treasury would give grants to, so that the final meetings might be called and the final notices issued. If they were obliged to postpone the Bill, there might be some danger as to whether the Canadian grant would be made use of or not; but he trusted that the dispensers of that Fund, recognizing the difficulties of the situation, would not allow any such delay to prevent them giving their money towards the relief of the distress. He hoped the Representatives from Ireland itself would not take offence when he said that, while he was determined to do everything he could for the advantage of the Irish people, he did not believe he should be rendering them any really true help if he were to press upon the Treasury or the Imperial Government to give them very large sums of money. What he wanted to see was the resources of Ireland developed by loans which were properly given, and which had the security that all loans ought to have; and if time were given for maturing such a system, he did not think that grants would ultimately be necessary. It would be positively fatal to be pouring out showers of gold from the Imperial Exchequer. Besides, hon. Gentlemen must remember that Ireland was not the only country in which there had been distress. There had been distress both in England and Scotland, and at the pre-

sent moment there was a larger proportion of English than of Irish paupers. He hoped Mr. Speaker might now be allowed to leave the Chair, and he would promise to bring the measure forward again as soon as the Government could give him time, though he was aware that they had a great deal of other Business. With regard to the £750,000, he stated yesterday, and he now repeated, that they did not know that all of it would be wanted; but they did know that no larger sum than that would be wanted. The Government considered that they were strictly fulfilling, not merely the pledges of the late Government, but the pledges of the late House; and if they did not fulfil those pledges, they would adopt the unprecedented course of one Parliament refusing to abide by the obligations entered into by a previous Parliament.

MR. A. M. SULLIVAN said, the statements made by the right hon. Gentleman were very serious. He should like to know what were the obligations entered into by the late Parliament, when they were entered into, and with whom? The obligations of the late Parliament were on the Statute Book, and were contained in Clause 17. And the Act of the present Parliament was now brought in because of the violation of those obligations, because the Government had violated—illegally violated—the obligations which were placed on the Statute Book by the late Parliament. It was hard for Irish Members to know what to do. He listened to the debate yesterday, and he heard Irish Members accused of the high crime and misdemeanour of allowing the Bill to pass last Session. The fact was, that although they knew the Bill of last Session was an unreality, and would not work, they had the menace before them that if they resisted it they would be made to appear as if they were resisting a benevolent intention for the relief of distress in Ireland. With that menace before them, some of them did violence to their consciences—they allowed the Bill to pass; because, if they had taken any other course, the Press of England and Ministers would say—"We wanted to relieve Irish distress, and the Irish Members of Parliament prevented us from doing so." In the face of those circumstances, having the convictions that experience had justified this, they

recorded their warning against the measure; but even that small remonstrance was denounced as obstruction to the benevolent intentions of the Government. And were they to be taunted today by some Gentleman who appeared here for the first time, and who got his knowledge of the subject from the miserable scraps of reports that he found in the London morning papers—were they to be taunted with the fact that they allowed the Bill of last Session to pass? There were English Members who were animated by a sincere desire to help the Government in the belief that this Bill was to do something good for Ireland. He warned those hon. Gentlemen that their belief was doomed to dis-illusion. The Chief Secretary had told them that they did not rely on this Bill to relieve the distress.

MR. W. E. FORSTER, interposing, said, what he said was that he could rely on no Bill without out-door relief to meet the distress till the harvest. He had also stated, and gave figures in proof, that a large amount of employment had been given in consequence of the loans, and that consequently without the loans the distress would have been greater.

MR. A. M. SULLIVAN said, he quite understood the right hon. Gentleman, and he still understood him to say that he relied rather on the power of giving out-door relief than on anything this Bill would accomplish. He put it to the right hon. Gentleman, if the Bill was not to grapple with the distress in June, July, and August, what was the Bill to do? Where would there be any guarantee given that the landlord, having secured the loan upon easy terms, would not take his own time for going about the work?—that he would not wait till next December or next year? If money at 1 per cent was to go to the landlords for the purpose of relieving Irish distress, where was the clause providing that the loan should be cancelled unless the work was commenced within a certain time? The right hon. Gentleman told them that £240,000 had been "issued;" but do not let them run away with the idea that that was for the relief of Ireland. How much of that £240,000 had been issued but not spent? Why, it was absolutely offering the people circumlocution instead of relief. In Committee he would ask the

Government to put in a clause providing that unless the landlords availed themselves of the funds within the proper time, the loan should be recalled and cancelled. If that was not done, the Bill would be a mockery, a delusion, and a snare. The Prime Minister complained of the Public Business being stopped by these discussions. That was true, but it was not the fault of the Irish Members; and he would suggest to the right hon. Gentleman that the way to facilitate the passing of the Bill, relieve the House, and insure the Bill being made efficacious, was to refer it to a Select Committee consisting entirely of Irish Representatives, with the Chief Secretary as Chairman. The Committee could go upstairs, and not interfere with English Business in the House. There was no Minister of the Crown whom they would more cheerfully elect as Chairman. He offered the right hon. Gentleman that suggestion in order to put an end to these discussions, which were animated by no disposition to thwart good intentions, but because they held that the Bill would turn out a gross mistake.

MR. GIBSON said, the discussion had proceeded on the assumption that the 17th section of the Act of last Session was the governing section, whereas the 9th section was that which governed the Bill. In that section the terms of the two Treasury Circulars were distinctly set forth. The loans which had been referred to were equally applicable to sanitary authorities as to landlords; and it must not be forgotten that the Treasury Circulars incorporated in the Bill gave no power to entertain applications made after the 29th of February. The present Government were now simply giving effect to and ratifying the Circular of the 29th February last.

MR. PARNELL thought that the Circulars gave power for additional loans to be obtained.

MR. GIBSON said, that the original amount of the loans had been increased to £750,000, after considerable discussion in that House.

MR. T. P. O'CONNOR said, that, in order to bring to a practical issue the point in dispute between the Chief Secretary and the Irish Members, he would propose the following Amendment:—

"That the Committee stage of the Bill in the Whole House be dispensed with, and that the

Mr. A. M. Sullivan

Bill be referred to a Committee consisting of the Members who prepared and brought in the Bill, and of the Members for counties, cities, and boroughs in Ireland."

MR. SPEAKER: If the hon. Member desires to take the course indicated by this Amendment, he ought to move that the Bill be referred to a Select Committee. The constitution of the Committee would form a subject for subsequent consideration by the House.

MR. PARNELL said, the course proposed by the hon. Member was one which was proposed in the late Parliament by the then Leader of the House in reference to an English Bill. There was also a precedent for it in a proposal made by the hon. and learned Member for Limerick, who was well acquainted with the Forms of the House, and who was a Constitutional lawyer. In the last Parliament that hon. Member placed on the Paper a Notice for referring the Officers and Courts (Ireland) Bill to such a Committee. The Speaker, also, in his examination before the Select Committee on Public Business, gave it as his opinion that it was undoubtedly competent for the House to dispense with the Committee stage of a Bill in the Whole House. It was only by the courtesy of the House that he could discuss the merits of the Motion; but it seemed to him that it had been promoted by the apparent desire of the Chief Secretary to put on the shoulders of the Irish Members the blame for the postponement of the Bill. The course suggested would obviate all inconvenience, and would expedite the passage of the Bill.

MR. RYLANDS, as an English Member, felt that he was in a difficulty with respect to the Bill considering the view he had taken of the measure of the last Session. ["Order!"]

MR. SPEAKER said, that the hon. Member could only speak to the point of Order. At the same time, he thought that the proposal of the hon. Member for Galway (Mr. T. P. O'Connor) was an entire departure from the practice of the House. He did not think it was competent on a Motion for going into Committee to move that an Amendment of such a character could be moved. The proposal to dispense with the Committee stage was of such a novel character that, without the special instruction of the House, he could not put the Amendment.

MR. RYLANDS said, the House was, no doubt, willing to pass measures which were necessary to be passed in the interests of Ireland; but he must point out to the Government that if all the time of the House was to be occupied in discussing Irish questions, there would be no hope of getting through some English measures which were before the House, and which were of great importance. The question was, was the Bill necessary in the interests of Ireland? ["No, no!"] Then, if it was not, it ought not to occupy the time which it had done in that House. Contrary to expectation, a debate had arisen which seemed capable of being prolonged indefinitely. He appealed to the Government to have some regard for English Members. He was prepared to support the Government, if the Chief Secretary told the House that the Bill was absolutely necessary; but he must protest against the waste of time which was taking place without making any progress on any Business at all.

MR. DAWSON said, the remarks of the hon. Gentleman who had just sat down made it incumbent on them to vindicate themselves in the face of the country and the House from a very serious and grave imputation. Irish Members had been charged with being guilty of delaying and obstructing a measure for relieving the Irish people. Did he need to remind them how last Session, rather than appear obstructive, they gave the measure their adhesion and allowed it to pass; and what had been the result of that measure? He would call them back to the real question before them. He saw the Prime Minister the other night hanging on the lips of a Member of that House when he spoke of the miseries from which the English people were suffering, and, after he had dwelt on the imagined wrongs which would be done to English workmen if certain things were not done, he saw the Prime Minister go to that hon. Member and compliment him on the way he had spoken. But did hon. Gentlemen in that House listen with wrapt attention when the wrongs and grievances under which the Irish people suffered were spoken of? A sum of £750,000 had been granted by the Bill; but how much of that sum had reached the pockets of the starving people? The Chief Secretary had cast on the Irish

Members the responsibility of delaying the Bill; but he could assure the House that the Irish Members were anxious to prevent the misery and mistakes of last Session, and they were anxious to bring real help to the suffering people of Ireland. He would not hesitate to grant the people relief from the Irish Church Fund; but the fact was, that he was afraid of that fund. It was a dangerous fund for a Government to have always at hand; because, if they always had a fund like that at hand, they would not take the precautionary measures they ought to take to prevent the recurrence of such evils. It had been forgotten how many millions had been spent in the Famine of 1847, and how fruitless that expenditure was. It had done no permanent good, and it saved no lives. With regard to the fishery proposals, they would probably be good for Ireland prospectively, and as far as trade and industry went; but they would not meet the present distress and feed the starving people. The construction of the piers would require skilled labour; it would employ divers, skilled stone-dressers, and other such labour, but it would not give the people of Ireland the relief which they required. It might be called a Land Improvement Bill — a Railway Extension Bill, to take effect some years hence; but a prompt Relief Bill it was not. There was no clause in the Bill to stand between the people and destruction. They had to provide for the four months which still intervened between the present time and the harvest. Would that Bill provide for that four months? If not, it was a futile measure. The Bill was called the Relief of Irish Distress Bill; but he asked if it appeared in one clause from beginning to end, that it effected that purpose?

MR. W. E. FORSTER said, it was the Relief of Distress (Ireland) Act Amendment Bill.

MR. DAWSON said, the cure was worse than the disease. He apologized to hon. Gentlemen for intruding the affairs of Ireland so much upon the House; but they were ready to relieve the House of Irish affairs at any moment. The question was whether the Bill was intended to relieve distress, and whether it would do so in the next four months; because if it would not do that, it would not carry out the object for which it was ostensibly intended. It

was hard to pretend to give the people of Ireland a great boon when, in reality, it was nothing of the sort.

MR. JUSTIN M'CARTHY said, he was extremely anxious to bring this long discussion to a close, and not to have any more time wasted by the debate. He rose for the purpose of moving that the Bill be referred to a Select Committee. He understood that this was the proper stage at which to make that Motion; and it was his intention, if the Motion were carried, to propose that the Select Committee be composed of the Irish Members of that House and the Gentlemen who had brought in the Bill. He did not know how he or his Friends could answer better the appeal made to them by the hon. Member for Burnley (Mr. Rylands). He was the more desirous to respond to that appeal, because all the Irish Members knew that every measure for the promotion of the good of Ireland had his hon. Friend's sympathy and support. It was impossible for Irish Members wishing to see this made a beneficent measure to allow it to pass in its present condition. It was equally impossible that a Committee of that House should discuss with advantage all the clauses of the Bill and dispose of the Amendments the Irish Members proposed to introduce. The time of the House would be lost in spoiling and marring the measure. What he proposed was that the Irish Members should be allowed to take the Bill upstairs, and there endeavour to make it a genuine and useful measure, without occupying the time and attention of the House in general, or laying themselves open to the objection made by the hon. Member for Burnley. The defective local machinery in Ireland prevented Irish Members from sanctioning the Bill as it stood. If they had proper local machinery in Ireland the Bill might be worked; but there was none which they could trust for carrying out a measure like that. That fact made it necessary to endeavour to shape the Bill so that it might be of some practical use even with the defective local machinery in Ireland, and that could only be done by means of a Select Committee composed of those who best understood this practical question. He begged to move that the Bill be referred to a Select Committee.

MR. O'SHAUGHNESSY seconded the Amendment.

Mr. Dawson

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Bill be referred to a Select Committee,"—
(*Mr. Justin M'Carthy,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

An hon. MEMBER said that the Irish Members did not wish to impede the Bill, so far as they considered it useful, but to add materially to its use by the Amendments they intended to propose.

MR. GLADSTONE: I have heard with some surprise the proposal which has been submitted to the House within the last half-hour. I really thought by this time that some consideration would have been shown for the mode in which the Business of the House is to be conducted. Shortly after 2 o'clock an explanation took place in the House between the hon. Member for Cork (Mr. Parnell) and myself. I stated that we had understood, and that the Irish Members had understood, it to be agreed that, on the one side, you, Sir, should leave the Chair, and on the other side the Government—for the hon. Member spoke on the part of his Friends around him—expressed their willingness not to press the clauses of the Bill to-day, but would postpone the Bill until some future day. I need not go into further detail. The hon. Member for Cork said the statement and the proposal made by the Government was perfectly satisfactory to him. My reference was not to himself individually, but to him as speaking on the part of his Friends, and my statement was so entirely satisfactory that he at once accepted my suggestion and withdrew the Motion he had made for the adjournment of the debate. When I recollected how this week had been spent I was extremely glad that such a course had been agreed upon between us; but now I find that nearly three hours have been spent in a debate on the Bill after the hon. Gentleman had accepted my proposal, and now at the close of these three hours a proposition is made openly on an entirely new subject—namely, that the Bill be referred to a Select Committee. Nor is that all, for, at the same time, indications are given of the ulterior steps connected with the reference to the Select Com-

mittee. It is not to be referred to a Select Committee in the ordinary sense—that is to say, to a limited number of Gentlemen who are to go through the clauses of the Bill, but to a Select Committee, to be composed, with the exception of two or three Gentlemen whose names may be on the Bill, of the 105 Gentlemen who claim to represent the interests of Ireland in this House. That is not a Select Committee in the usual and well understood meaning of the term in this House. What is understood to be the object of this Select Committee? If I comprehend the hon. Gentlemen's purpose, it is that in lieu of charging this relief upon the Church Surplus in prosecution of the determination of the last Parliament, it is to be charged upon an Imperial fund. But why it is to be charged on an Imperial fund is a question which interests the rest of the United Kingdom—England and Scotland—who are to be represented on that Committee by the two or three Gentlemen who have obstructed the Bill in the face of 105 Irish Members. Both on account of the nature of the vista thus opened to us, and my sense of duty in the matter, as well as the necessity I feel of securing some regularity in the transaction of Public Business, I must certainly decline to accede to such a Motion.

MR. PARNELL said, the right hon. Gentleman appeared to complain of a breach of understanding, which he had described as having been entered into at the commencement of the day's proceedings. He correctly stated that, upon his undertaking that the clause of the Bill should not be proceeded with in Committee, he (Mr. Parnell) expressed his perfect satisfaction. The right hon. Gentleman had also said he (Mr. Parnell) expressed his willingness to withdraw his Motion for the adjournment of the debate. But the right hon. Gentleman treated him rather unfairly when he intimated to the House that the debate which ensued on the Motion for going into Committee was brought on by him (Mr. Parnell), or that it had been controlled by him. When he spoke, the right hon. Gentleman assumed that he was representing the views of those hon. Members who sat behind him. It should be borne in mind that the debate which ultimately ensued on the Bill was continued by hon. Members on the

Ministerial side of the House, with whom he had, personally, no influence whatever. It was not until the Chief Secretary made a statement that he considered it necessary that some action should be taken. What was the statement of the Chief Secretary? The right hon. Gentleman pointed out that the result of carrying out the arrangement made between the Prime Minister and himself (Mr. Parnell) would be to put off the further stages of the Bill until a very late period of the Session, and that the people of Ireland would be deprived of the benefit of the Bill; and, amongst other things, they would be deprived of the grant for fishery piers, and that, consequently, the fishing industry on the North-West and West coasts of Ireland would be materially injured, and the starving population suffer during the ensuing season. What was this statement of the Chief Secretary but quibbling? He must, therefore, throw the blame of the subsequent discussion on the Chief Secretary. Why should they tacitly accept the blame which was due to the right hon. Gentleman? It was to point out some practical way to making progress that his hon. Friend the Member for Galway (Mr. T. P. O'Connor) rose and moved that the Bill be referred to a Select Committee, consisting of the Irish Members, which would naturally save the time of the House, and enable them to arrive at a satisfactory conclusion. That discussion had arisen because the Chief Secretary had cavilled at the arrangement which had been made, entered into two hours ago. It was not likely that the Irish Members would sit under the imputation which the Chief Secretary had thrown on them; they therefore threw back on him the odium of breaking the arrangement and impeding the progress of the measure.

MR. W. E. FORSTER said, he would reply to the statement of the hon. Member as temperately as he could. The hon. Member said the remarks he had made were "cavilling," and he cast on him the "odium" of the course which had been taken; he must inform the House what really had happened. The hon. Member had made a not unreasonable appeal that more time should be given for Amendments, and said no harm would arise from postponing the consideration of the Bill in Committee. His

Mr. Parnell

right hon. Friend, admitting the appeal for more time to consider further Amendments, stated that, considering the other Business before Parliament, it would be impossible, if the Committee were not disposed of to-day, or some substantial progress made, to take up the Bill again for some time. But he said his regret at that cause was diminished by the statement of the hon. Member, whose knowledge of Ireland must be great, and speaking, as no doubt he did, for those who acted with him. But when the debate went on, it became necessary for him to reply to several statements which were made, especially by the hon. Member for Mayo (Mr. O'Connor Power). Perhaps it would have been better that he had not replied to the allusions made to himself; but he did not think it would be quite respectful if he had not done so. He stood up just to confirm what his right hon. Friend had said—that was all he did. He did not think it deserved the imputation of "cavilling," or that any "odium" should be cast on him in consequence. With regard to the proposal for submitting the Bill to a large Irish Committee, it would obviously be unwise and unfair to English and Scotch Members, and it was scarcely fair to attempt to start such a suggestion suddenly upon the House.

MR. O'SHAUGHNESSY was quite prepared to admit that the question whether the relief should come from Imperial funds or the Irish Church Surplus should be left to be determined by the House; but as regarded other parts of the Bill he thought there should be but one opinion. The Bill was a measure to continue an Act which had admittedly failed for its purpose. Therefore, it was asked that it should be referred to the 103 Members, who, knowing the actual circumstances of the country which the measure concerned, were best able to consider its provisions. Such a Committee was desirable, because the great majority of English and Scotch Members backed up the Government when the present Act was passed, on the lines of which this Bill proceeded. That Act had ended in failure, and he anticipated the same result from this Bill unless it were referred to a Select Committee as proposed.

COLONEL BARNE thought the proposal made would facilitate the progress of the Bill, and also of the general Busi-

ness of the House ; and it must be remembered that when the Bill came back from the Committee, the House could, on the third reading, reject any of the conclusions of the Committee.

Question put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee; Committee report Progress; to sit again upon *Monday* next.

SAVINGS BANKS BILL.—[BILL 188.]
(*Mr. Gladstone, Mr. Fawcett, Lord Frederick Cavendish.*)

SECOND READING.

Order for Second Reading read.

MR. GLADSTONE, in moving that the Bill be now read a second time, said, he would endeavour to make a clear statement of its objects; and he would endeavour to distinguish between the objects that were vital to the Bill and those that were improvements of the law and useful for the development of our Savings' Bank system. The Bill had four distinct objects, the first of which was the most important. It was to provide for the extinction of the large deficiency upon the funds available for meeting the demands of the Trustee Savings' Banks. This deficiency, in truth, was a concealed portion of the National Debt of which the House took no cognizance in the course of its ordinary proceedings, and it was never brought before it as a portion of the national obligation. A very important and wise step was taken by the late Chancellor of the Exchequer for providing that the House should be called upon from year to year to vote a sum of money represented by the interest upon this deficiency. The measure was not only sound in principle, but it had the effect of calling the attention of the House to the existence of the deficiency itself. Acting in the spirit of that proceeding, he now proposed to make provision for the extinction of the deficiency itself. That deficiency amounted, as he reckoned it, to the sum of £3,565,000. That, however, was a larger amount than the sum which stood as exhibiting the deficiency in the account taken last November, when a statement of the assets and liabilities

of the National Debt Commissioners in account with the Savings Banks Trustees was presented to Parliament. The reason was that the annual account was naturally and reasonably based upon the price of the public securities on the day when the account was taken. His object now was to present the matter to the House from a different point of view, and to provide a common measure for the values of different years, in order that the House might be inclined to trace and to follow the growth or diminution of this deficiency. For this reason it was necessary to fix upon a valuation of the funds. He had taken as the valuation that which represented the interest at 3½ per cent as the well-understood average at which the public could borrow, taking one year with another, which mode of computation, 92 and some shillings, was the mode of computation for the value of the Consols laid down by the Commissioners, the other stocks and securities following Consols. It was upon that basis, which enabled them to compare one year with another, that the deficiency stood at something over £3,500,000. The mode in which he proposed to provide for it was by constituting Annuities which would pay it off in the course of about 25 years. He was sanguine enough to anticipate little or no difference of opinion on the propriety of getting rid of this deficiency. The wound had been stanchd to a certain degree already, and now it ought to be completely healed. The next proposal, which was also a vital portion of the Bill, was the proposal to reduce the rate of interest now payable to the Trustees of the Savings Banks from £3 5s. to £3 per cent. The principal ground on which he made this proposal was that they could not afford to pay £3 5s. He believed his right hon. Friend the late Chancellor of the Exchequer was of a different opinion on this point; but he (Mr. Gladstone) thought he should be able to demonstrate that he was correct. There was no doubt that at times, and in certain forms, they could borrow at less than 3½, or even at less than 3; but, on the other hand, at times the public had to borrow at a higher rate. In 1855 money was borrowed at £3 12s. 6d., or 3½. The loan was made up partly of £100 Consols and partly of Annuities, and the 3 per cent was represented by the annual interest of the Consols. It

was quite true that on a certain occasion they could not borrow under $3\frac{1}{2}$ per cent; but he thought the late Chancellor of the Exchequer a good deal relied upon that rate of interest as the rate they found it expedient to give on the part of the State to the National Debt Commissioners. Was it not a fair inference to draw, that if, for the interests of the State, and to purchase Annuities, they borrowed of the National Debt Commissioners at the rate of £3 15s. per cent, it would be reasonable that £3 should be paid to the Trustees of the Savings Banks? As he was responsible for these £3 15s. Annuities, he wished to explain the thoroughly exceptional character of the transaction, which unfortunately had been lost sight of. These Annuities were first created in the year 1860, which was a period when the financial position of the Chancellor of the Exchequer was totally different from what it was now. He had then to deal only with the old Trustee Savings Banks. They found him money to invest in prosperous years, when he did not want it, and they drew largely upon him in years that were not prosperous when he did want it. Money was required for fortifications, and it was provided by Parliament by Annuities; but now it would only be necessary to go to the National Debt Commissioners and obtain Annuities at a rate nearly corresponding with the rate shown by the price of the public Stocks. In this case they were bound to have some regard to the terms on which they could have sold these Annuities in the open market. They could not have sold them except upon unfavourable terms, and they were bound to proceed in the manner he had described. The National Debt Commissioners were obliged to sell Stock to meet the funds to be borrowed on the Annuities. It would not be a fair arrangement, in that state of things, when they were bound to sell Stock at the time, if they did not give a rate of interest as liberal as that they accepted. That rate of interest was wholly out of the question in the present state of things, when the National Debt Commissioners were not dependent upon any risk in the sale of Stock. He had asked himself a question still more radically illustrative and decisive of the whole matter—namely, whether the public could show themselves, from the accounts of the National

Debt Commissioners, able to afford to pay a rate of interest amounting to £3 5s. He would demonstrate to the House that they could not afford to do it. An opinion had somewhat widely prevailed that the existing deficiency in the assets of the National Debt Commissioners as compared with their liabilities to the Trustees of the old Savings Banks was a deficiency created before 1844. But he thought it was demonstrated by figures that this was not the case, a considerable deficiency having been created since the date mentioned. The deficiency in November, 1844, was £1,633,000; and in order to bring the question to the test of figures he should wipe out the deficiency then existing. The mode in which he did this was by setting aside in the account that sum of £1,633,000 and allowing it to accumulate at a uniform rate of interest—namely, $3\frac{1}{2}$ per cent—till next November. That sum credited with compound interest would have risen to a sum of £5,004,000. For the purpose of his computation that was the amount which he had to put down to the credit of the fund. To the debit he had to put down all that they had given to the fund since 1844 and the present deficiency. A comparison of those two sums showed what had been the loss since 1844. The actual deficit on November 28th, 1879, was £3,565,000; but in 1863 he proposed to Parliament as Chancellor of the Exchequer, and Parliament agreed with him, to make a present to the Savings Bank Funds of £1,644,000, which, of course, went to diminish the then existing deficiency, and must now be reckoned in determining the question under consideration. The mode in which that was done was this—£25,000,000 of Stock standing in the name of the Commissioners were cancelled, and a book debt was created against the country of £25,000,000 simple, which, as compared with the value of Stocks at the time, represented a gift to the assets of the National Debt Commissioners of £1,864,000. But there was a further process. In 1867 the Government reconverted this sum into Annuities, and the effect of that and of giving the interest upon the £24,000,000 as of cash instead of Stock was to add a further value of £974,000 to the gift conferred upon the Commissioners. There was another small item of £236,000 to be taken into consideration; and, add-

ing those sums together, he found that there stood at the debit of the account £6,621,000. The debit of the account, therefore, stood charged with this sum. The value of the 1844 deficiency accumulated at compound interest would have been £5,004,000, and it followed that there had been a deficit accruing since 1844 of £1,617,000. That was a strict and rigid demonstration, based on the principle of uniform valuation, of the fact that by paying £3 5s. per cent through the National Debt Commissioners in respect of the funds of the Trustees of the Savings Banks, a loss had been entailed of £1,617,000. The House was now in possession of the imperative reasons why the rate of interest should be reduced. Though no man liked to see the rate of interest paid to him reduced, he had not found that there was any general disposition to complain of his measure. He had heard it argued that the public should pay more than the market rate in Savings Banks, and many people said that the public ought to pay as much as they could afford to pay. But he had shown what the public could not afford to pay; and even if that were otherwise he would still be of opinion that that was not the right principle to proceed upon. The right principle was that a rate of interest should be paid sufficient to attract a depositor. The old Savings Banks had done a great deal of good in their time, and were entitled to their respect and gratitude; yet now the State had hit upon and largely developed another system, greatly preferred by the public, and which was, certainly, far preferable, there was no reason why two classes should not receive considerable equality of treatment. The main objection to the old system as compared with the new was summed up in this: Under that system the State gave to the depositor an imperfect security, and yet failed to convey to his mind the knowledge that that was the case. He believed that not 1 in 10 of the depositors in the old Savings Banks knew that his security was imperfect. Since 1844 this singular state of things had existed—that while there had been an absolute security for what was due from the State to the Trustees, the obligations of the Trustees to the depositors had only been secured by their personal honour. He could not help thinking that this was a serious disadvantage to

the system. There was another consideration which he wished to bring before the House—namely, that these Trustee Savings Banks were not purely public establishments. Besides holding as assets the sums to which they were entitled from time to time at the hands of the National Debt Commissioners, and besides holding real property which had gradually come into their hands, they had a most important function—one that might at any time greatly change their position relatively to the State. They were permitted by law to make investments in other than the public securities on behalf of depositors who desired them to do so. They were entitled, by obtaining the assent of their depositors, to call upon the State for the liquidation of any amount of claims, and to invest in other securities in a manner virtually independent of State control. He could not but feel that these circumstances gave great additional force to the other and broader considerations which he had alleged—namely, that the sum of 3½ per cent was greater than in a long series of years the State could afford to pay. As to the old Savings Banks, it was quite fair to say that their management was quite as good as that of the Post Office Savings Banks. But the state of things as between the Post Office Savings Banks and the old Savings Banks was this:—In the case of the old Savings Banks the State paid £3 5s., and the trustees paid, according to the latest computation, to their depositors £2 18s. 4d., showing a difference of 6s. 8d. In the Post Office Savings Banks the State gave to the depositors £2 10s., the expenses were reckoned at 11s. 1d. per £100, making a total of £3 1s. 1d. It would be observed that the difference in the cost of management was considerable; but he was bound to say that the case might be stated in a manner somewhat more favourable to Post Office Banks. There were other considerations of great interest in the comparison of these banks. The old banks held £44,192,000; but the Post Office Savings Banks had, during the 17 or 18 years of their existence, accumulated no less than £32,012,000—a very satisfactory result. Nor had there ever been any serious loss or difficulty of any kind experienced in carrying the system out. The old banks, on the whole, exhibited a small increase

in the amount of their deposits with the National Debt Commissioners. From 1861, when the Post Office Banks were founded, the average annual increment in the old banks had been £133,000, and in the Post Office Banks £1,769,000. In fact, fourteen-fifteenths of the new investments made by the public had been in the Post Office Banks. The greatest disadvantage which the State had to encounter in connection with the old banks was the largeness of the variation of the annual movement; and there was a great contrast, in that respect, between them and the Post Office Banks. In the year 1866, the old Savings Banks withdrew from State control, over and above what they deposited, no less than £2,369,000. On the other hand, in 1874, they deposited, over and above what they withdrew, a sum of £991,000, making a maximum range of variation of no less than £3,370,000. But the income of the Post Office Savings Banks had been perfectly regular, though not, of course, uniform. The maximum amount of Post Office deposits was £2,293,000 in 1872, and the minimum £1,533,000 in 1865. There was a perfect liberty of transfer given to the public between the two classes of Savings Banks, and consequently by comparing the sums transferred means existed of testing the public favour for the two systems. The sums transferred from Post Office Banks to Trustee Banks since the foundation of the former amounted to £120,000; but the sums transferred to the former from the latter reached a total of £3,560,000. He was anxious that it should be understood that he would never think of the old banks otherwise than as very valuable institutions, and that he would regret extremely anything which would give a shock to their system. He did not think that his proposals would produce any such shock. The change which he proposed was required by the equity of the case, the figures which he had quoted with regard to the course of events since 1844 demonstrating that 3½ per cent was too large a rate of interest. It might be retorted that the Government lent money to local bodies at a higher rate than this. Well, he was bound to say that he was unwilling to recognize that method of lending to local bodies which had crept in of late years as a permanent portion of our system.

Mr. Gladstone

He objected to the mixing of perfect security with imperfect security, and could only look upon the system of lending to which he was referring as temporary. It was, therefore, with great satisfaction that he had found on the part of some large and public-spirited municipalities a disposition no longer to go, cap in hand, to the State for the purpose of borrowing money, but to go into the market on their own security, and there raise what they might want for their local purposes. He had now enumerated the main and vital objects of the Bill; but in addition to these there were two others which he would mention. He proposed to enlarge the sum which might be deposited in Savings Banks, without any distinction between the older Trustee Banks and the Post Office Savings Banks. He hoped to raise the limit of total deposits from £200 to £300, and the limit of the sum which might be deposited in one year from £30 to £100. There was an objection to this on the ground that it was competition with private banking enterprise. He admitted that banking enterprise was of value to the country, and ought not to be subjected to undue competition; but he would not enter upon this subject in detail at the present time. The boast of the postal system was that it carried to every man's door the accommodation which it offered. If we had in this country a banking system so largely developed that it went into every considerable parish, he should be very doubtful indeed about raising the limit from £200 to £300. The parish in which he lived had a population of more than 8,000 persons; but they had no bank there. The parishes in this country were about 10,000 in number. The Post Office Banks in the three countries were already about 6,000 in number, and were rising at the rate of 300 banks a year. But the other banks, including branches, hardly reached 2,000, and were accumulated in a comparatively limited number of parishes. This, however, was a question to be considered in Committee, and he should freely leave it to the unbiased judgment of the House. There was a fourth object of the Bill which he must briefly mention; but he did not think it was likely to raise any great difference of opinion. Power was given under the Bill to trustees to invest on behalf of

depositors in Government securities. That was a purpose which, so far as he could learn, was approved on all hands. Nobody objected to the Savings Banks being made the medium of communication between depositors and public securities, there being at the present moment hardly any means of convenient investment for the public in the country at large. He anticipated that the public economy which would be effected by the measure would be very considerable, not less, he thought, than £100,000 a-year, and perhaps somewhat more, contingent, however, to some extent, upon the issue of a question which had been raised that interest ought to be allowed by the State upon the separate surplus fund. He did not wish to preclude an unbiased consideration of that question; but, on the other hand, it was quite clear that they ought to introduce into the minute system of banking represented by these Savings Banks the principles represented by their legislation with regard to the public funds, under which from time to time unclaimed sums were written off, without prejudice, of course, to the absolute validity of any claim which might be revived. With these observations he begged to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Gladstone.*)

MR. W. FOWLER, in rising to move the following Amendment:—

"That the extension of the limits of deposits in Savings Banks proposed in this Bill would result in so serious a discouragement of private enterprise that, in the opinion of this House, so such step should be taken without careful inquiry,"

said, he was sorry to be obliged to oppose that measure, much of which had his entire approval; but if Clause 3 was retained he should feel it his duty to divide the House. The Prime Minister suggested that that point might be discussed in Committee; but such a clause formed an important part of the Bill, and ought, therefore, in his (Mr. W. Fowler's) opinion, to be discussed on the second reading. He considered that the proposed extension of the limits of deposits in Savings Banks involved a new competition by the Government with banking enterprise. The Bill practically established a new form of trading by the

Government. The Post Office Savings Banks were to receive the savings of persons of small means, as artisans and others, and were, to a great extent, an eleemosynary institution, established by the Government in order to encourage thrift among the poorer classes of the community. They were not banks in the proper sense of the word. They were not conducted, as an ordinary business would be, for the sake of profit, but for the good of the people. They had been very successful; but they had entailed very great expense on the country, and they were now practically asked by that very Bill to pay a large sum of money for what they had lost in conferring this boon on the people. They were practically asked to start a Government Bank under the form of a Savings Bank. To prove how important the proposed competition with other banks might be, he would draw attention to a few figures from the Report of the Committee on Banks of Issue that was appointed in 1875. It appeared that in the National and Provincial Bank of England there were, in the year 1874, 122,760 depositors. Of these, 83,723 were depositors of sums under £100; 16,780 of sums ranging between £100 and £200; and 7,430 of sums between £200 and £300. The total sums of the deposits of these three classes respectively were £3,603,289, £2,518,310, and £1,865,844. Thus 87 per cent of the whole number of depositors had deposits under £300, the new limit proposed by the Bill; and nearly 35 per cent of the total amount of the whole of the deposits were under the same figure. In the Scotch banks, 88 per cent of the depositors, numbering in all 417,657, were under £300, and 35 per cent of the total amount deposited—£76,243,000—were under £300. Again, in the Munster Bank, out of 22,116 depositors, 15,761 were under £100, and 5,043 between £100 and £300. These figures proved absolutely the serious character of the measure before the House. He objected to it entirely, and for several reasons. In the first place, he objected to the trading by Government as a whole. He did not see why the Government should oppose private traders, and bring the capital of the whole nation in competition with the comparatively small means of private people. He said, in all seriousness, he saw no difference between this proposal

and that of starting a Co-operative Store in Bethnal Green by a Government staff. It was just as important that the people should have their food cheap and good as that they should have their savings taken care of. Again, he said that the proposed competition was an unfair one. Other banks were compelled to keep reserves of various kinds; but there was no suggestion here for the maintenance of any proper banking reserve. All the deposits must be at once invested in Stock, and that was really the reserve proposed. But it was not a proper reserve for a bank, if it was the sole reserve. He had known the time in his own knowledge when they could not sell £100,000 Consols for money; and they had heard from the Prime Minister that there had been times when he had had to find a large sum in cash on balance for the Trustees Savings Bank. He had told them that as to the Post Office Banks, so far, they had always received more than they had paid; but that would not be always so. He maintained that the proposal, as a banking proposal, was thoroughly unsound. Moreover, the Government keeping no reserve would thus compete with banks, and involve them in a new danger. They had enough to do to provide for the natural risks of business; but now they were asked to provide for a new risk, created by Act of Parliament, and which no foresight could have led them to anticipate. Another objection he made was that the rate of interest allowed was too high as a matter of business. Of course, if it was an act of charity, it was another matter. At the present moment the Bank rate of discount was $2\frac{1}{2}$, the very rate now allowed at the Post Office Banks; and, so far as one could see, it seemed likely that they might have a long period of low interest. The Bill was in another way very dangerous. It was well known that banks collected money in one part of a district and lent it in another, or collected it in one part of the country and lent it elsewhere; but if this Bill should pass, many large sums would be diverted from commerce and agriculture, and would be sent up to a Government office, where they would be used in raising the price of Consols, which was already high enough. He thought, again, that there was a great danger to Government in holding large sums on

Mr. W. Fowler

demand, and all the more if they consisted of the deposits, not of artisans, but of small traders, eager to make the most of their money. They would have money on deposit in prosperous times, when Consols were high; they would draw out in order to buy Stock when the funds were low in price. So the Government must buy high and sell low, and thus must lose heavily, and all the more the more the proposed scheme succeeded. He wished also to remark that the change was not necessary, for in the Bill itself was another proposal which met the need of any who might want to put by any larger sum in safety. It was proposed, and wisely as he thought, that facilities should be given for putting small sums of money into Consols. In that way the Government would not hold great sums on demand; but Stock would be held by investors at their own risk, and without danger to the Government. In France they had a limit of deposit, and all sums beyond the limit pass automatically into Government *rentes*. He did not know that they should like that here; but it would, he thought, be better than this proposal. He had only to say, further, as to the investment clauses of the Bill, that he should go further, and he should allow a man to buy even £1 in Consols. And he wished to draw the attention of the Prime Minister to Sub-section 6 of Clause 4, by which, as he (Mr. W. Fowler) understood it, a man might sell £500 Stock, which he had previously invested, and put it into the Savings Bank, in addition to £300 already there; so that he might have £800 on deposit. [Mr. GLADSTONE dissented.] He believed he was right in his reading of the clause, and he asked attention to it. On the whole, he objected so entirely to the 3rd clause of the Bill that he should take the sense of the House on the second reading of the Bill.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the extension of the limits of deposits in Savings Banks proposed in this Bill would result in so serious a discouragement of private enterprise that, in the opinion of this House, no such step should be taken without careful inquiry,"—(*Mr. William Fowler*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOHN LUBBOCK said, the Bill, in his opinion, contained several valuable provisions. Some portions, however, were open to great objection. There was, however, much force in the arguments of his hon. Friend who had just spoken; and he was glad to understand that the Government did not regard the 3rd clause as a vital part of the Bill. No less than from 30 to 40 per cent of the deposits in the Scotch and country banks consisted of sums below the limit allowed by the Bill; and it was difficult to anticipate what effect on the public would follow the withdrawal from those banks of so great an amount of business. He did not think it clear that Clause 3 would benefit the Government, while it would, of course, certainly interfere with private enterprise. The tendency would be that money would be paid in when the rates were low and Consols were high; and would be drawn out again when money was high and Consols low. At present, with the existing limits, the temptation to do this was much less. One important portion of the advantage which banks afforded to a country was by advances of money, thus assisting trade and manufactures. But the tendency of this Bill would be to withdraw money from local banks, and thus compel them in turn to call in loans, and to restrict the facilities they offered to their customers. In Scotland and Ireland this would be felt with especial severity, and surely so important a step ought not to be taken without careful inquiry. The proposed change was not to encourage thrift, but to enable Government to do banking business for the sake of profit. That would quite alter the character of the Savings Banks. Moreover, the large amount of money that this proposal would place at the command of the Government would constitute a danger, unless larger cash reserves were held than was now customary. It was the custom now to speak of the Floating Debt of the country at £26,000,000; but in addition to this sum, for which the country was liable at short notice, there was the sum of nearly £100,000,000 sterling on account of the Savings Banks and Post Office Savings Banks deposits. No great difficulty had occurred hitherto; but it seemed to him that the danger would be greatly increased by the Bill, and that was a point which deserved serious consideration. Again, he regretted

the proposal to lower the rate of interest in Savings Banks. The time might come when this would have to be done; but he thought the time had not yet arrived. A great deal had been said about the loss of £4,000,000. But he would point out that in spite of this deficiency it did not follow that the Government had made a loss. The deficiency was not due to the present moderate rate of interest, but to exceptionally high rates paid in old days, and to financial operations made for State purposes, quite irrespective of the interests or requirements of Savings Banks. The right hon. Gentleman at the head of the Government (Mr. Gladstone) said, in 1861, that—

“The money deposited with Government by Savings Banks has enabled successive Administrations to effect an economy in the management of public money transcending ten times over the charge the State has been put to.”

He did not see that a clear case had been made out for a reduction of interest. The Government proposed to make good the deficiency of £4,000,000. On this the interest would be £120,000 a-year. But the deficiency was now only £72,600. The Government could therefore continue the present interest, and yet have a surplus of £50,000 a-year. If they diminished the interest their profit would be £150,000 at least. The object of the proposal was not to avoid a loss, but to make a profit. It was often said—“Why should the Government allow 3½ per cent to the old Savings Banks, and only 2½ per cent to the Post Office Banks?” But it must be remembered that in the one case the 3½ per cent was allowed to the bank, in the other to the depositors. The old Savings Banks had to pay the expense of working the business. Three-quarters per cent was a moderate estimate, and this would make the two rates exactly equal. In fact, it appeared from the Parliamentary Paper No. 179, just issued, that, in addition to the £743,000 allowed for interest, the Post Office Banks cost the Government £198,000 for expenses, which were between ½ and ¾ per cent more; so that, in fact, the Post Office Banks cost the Government as near as possible 3½ per cent, just as did the old Savings Banks. In these circumstances, he trusted that the Government would not use their great majority to force a measure which was regarded by many as unwise and

even unjust, at any rate without full and careful inquiry.

MR. HARCOURT moved the adjournment of the debate.

Motion made, and Question proposed,
"That the Debate be now adjourned."
—(*Mr. Harcourt.*)

MR. GLADSTONE hoped that the hon. and gallant Gentleman would not persevere in his Motion, as the discussion had turned upon matters relating to details of the Bill. If the House chose to discuss these details on an adjournment, well and good; but he did not think there had been any intimation of such a desire. A most reasonable request had been made to him to have the figures brought out upon which he computed the loss since 1844. That probably would take some days, but he would see that the Papers upon the subject were laid upon the Table. If the Bill were read a second time he would not fix the Committee until a fortnight hence, which would give an opportunity for the production of the figures required.

SIR R. ASSHETON CROSS said, he approved of a great part of the Bill, though he disputed the Prime Minister's estimate of the loss on the old Savings Banks, and thought it rather hard that persons who had invested in them should have this fine inflicted upon them when it was not necessary for the purposes of the State. Had it not been for the statement of the right hon. Gentleman that he did not consider the 3rd clause as the vital part of the Bill, he should have joined the hon. Member for Cambridge (Mr. W. Fowler) in opposing it. To that clause he was wholly opposed. On the assumption that the point could be argued in Committee, he would support the second reading of the Bill.

MR. MAGNIAC asserted that there were principles involved in the details of the Bill which demanded attention, and which could not be discussed in Committee. He hoped it would not be attempted to carry the clauses of the Bill in a hurry.

MR. BARING said, he was willing to consent to the second reading on the understanding that it was not to be understood as implying his agreement with two of the vital principles of the Bill.

Sir John Lubbock

MR. HARCOURT expressed his willingness to withdraw his Motion. ["No."]

MR. SPEAKER said, that the time for deciding it had passed.

It being ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

The House suspended its Sitting at Seven of the Clock.

The House resumed its Sitting at Nine of the clock.

ORDER OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair."

INTOXICATING LIQUORS (LICENCES).

RESOLUTION.

SIR WILFRID LAWSON: Mr. Speaker: I beg to move, as an Amendment—

"That, inasmuch as the ancient and avowed object of Licensing the Sale of Intoxicating Liquors is to supply a supposed public want, without detriment to the public welfare, this House is of opinion that a legal power of restraining the issue or renewal of Licences should be placed in the hands of the persons most deeply interested and affected, namely, the inhabitants themselves, who are entitled to protection from the injurious consequences of the present system, by some efficient measure of local option."

Mr. Speaker, I am sorry that I have not been able to bring forward this Amendment as a substantive Motion, so that there would have been no need of my opposing the House going into Committee. I have been compelled to bring it forward now because I secured my place in the ballot for Friday, and were I not to bring it forward now I might not obtain any other day during the Session. I am also sorry that on account of the Morning Sitting having been held, there will not be so much time for hon. Gentlemen who take an interest in this matter to express their views as I could have wished. It is, perhaps, on this account more incumbent on me, as so many of my hon. Friends will be precluded on account of want of time from address-

ing the House, to endeavour to make my case as clear as I can, so that there can be no misunderstanding in the House as to what I mean by the Motion I have now the honour to propose. I suppose, Sir, that very seldom it falls to the lot of a Member of Parliament to move the same Resolution in the House of Commons twice within the space of three months; but it happens that now, although moving the same Resolution, I am moving it in a fresh Assembly. As we all know, a new House of Commons has been elected. Of course, there are many old Members here who must have heard me over and over again on this subject, and who will retire to the adjoining rooms and simply come in when the division is called. I will endeavour to address myself more especially to the new Members, who will not have heard the subject thoroughly discussed, and who will, no doubt, wish to know what is meant by Local Option. Well, I think I may say that whatever may be thought in this House of the question with which I am dealing and of the policy I am about to advocate—I think it may be said that the late General Election and the result of that Election prove that there is, at any rate, a very general interest felt in this measure throughout the constituencies of the Kingdom. One of the results of that interest is that some of my old and valuable opponents are not here to-night to oppose me as they used to do. I miss the familiar face of my old and respected enemy, Mr. Wheelhouse, and I have some doubt in my mind as to who will take his place. I am not at all certain who will; but I have been told that before the night is over it will be found that the mantle of Mr. Wheelhouse has fallen upon the noble Lord the Member for Haddingtonshire (Lord Elcho). Well, we have got a new House of Commons, and we have got a new Government, for which some of us are glad and some of us are sorry; but, at any rate, I am happy to remember that the Prime Minister of this new Government stated some months ago, when writing on political subjects, that amongst the questions which the new Liberal Government, or any new Government, had to deal with, the question of altering and amending the Liquor Laws would hold a foremost place. That right hon. Gentleman, in the long list of the mea-

asures with which he said Parliament would have to deal, put a measure for amending the Licensing Laws about fifth. Well, Sir, of course the problem is, how we are to deal satisfactorily, as far as the law is concerned, with this very great and pressing evil. I do not think I need waste, or, at all events, occupy the time of this House by going into details concerning the extent and magnitude of this evil; but if I let it go as a matter of course, then someone will get up and say that the evil is not so great as I suppose it to be, and that I am not justified in attacking it. I will, therefore, with the permission of the House, quote only two authorities, which I think deserve weight in this House. Now, the first authority I will quote is the right hon. Gentleman the Leader of the Opposition, and the late Chancellor of the Exchequer. And I quote the words which were used by him at a place where he was not likely to indulge in exaggeration. I refer to words which he used at a great festival of Licensed Victuallers down at Exeter. He said—

“The evils of drunkenness become more and more patent every day. If we examine into the matter, we are more and more impressed with the frightful evils which arise.”

And then he said—and I believe very truly—

“The conscience of the country is fully aroused upon this subject.”

Now, that is the opinion of the Leader of the Opposition. Now, what did the Prime Minister say two or three months later in this House? In the last speech which I heard him make in this House before Parliament dissolved, he said—

“It was stated just now that greater is the calamity and curse inflicted upon mankind by intemperance than by the three great curses—war, pestilence, and famine.”—[3 *Hansard*, ccli. 475.]

I think, Sir, I need not go further; but I will say that if legislation is able in any way to deal with such a state of things, producing more evils than war, pestilence, and famine, then that legislation is the most important subject which could occupy the time of the British House of Commons. Now, I am not going to-night to advocate a new Licensing Law. I think I may assume—I think I am justified in assuming—that Parliament up to the present has done its best to make the

Licensing Law satisfactory. The Government which came into Office in 1868 dealt with the Liquor Laws. We all remember Mr. Bruce's Bill of 1872, which made these laws a little better. We all remember the late Home Secretary's Bill in 1874, which made these laws a little worse. Both political Parties up to that time had tried what they could do to amend the Liquor Laws, which stand now in pretty much the same position as they stood when Mr. Bruce's Bill was passed. I think everyone will agree with me that this trade about which I am talking is very different from any other trade. It is only a very short time ago that a statement appeared in the newspapers to the effect that during the last year £14,000,000 less than in the previous year had been spent in intoxicating drinks. This liquor trade was £14,000,000 poorer than usual, and everybody rejoiced. There was not a good man in the country, or a man who took any interest in the welfare of his fellow-men, who did not say—"This is capital news, £14,000,000 less paid to the drink trade." But is there any other trade people would say that about? No, Sir, no other trade in the country, excepting, perhaps, an undertaker's. Every other business rejoiced in being able to tell the world that they had done a large amount of business—that they were extending their boundaries and enlarging their trade; but this liquor trade is on quite another footing. I remember that when my right hon. Friend the President of the Board of Trade (Mr. Chamberlain) made some very interesting inquiries at Birmingham, and detailed them to the Lords' Committee on Intemperance—the first inquiry related to the number of people who went into public-houses during certain hours—the publicans seemed very angry. They said—"Why are all these things raked up against us?" But surely a butcher or a baker would have been delighted if such were done in his case, because it would be well advertised that so many people came into his establishment. Well, now, there can be no doubt that the trade is bad, and that those who engage in it have an uneasy feeling themselves, that instead of benefiting the community they are injuring it. I see in the papers sometimes remarks to the effect that I was the person who invented the idea

that the liquor trade was a bad trade. I assure the House it is nothing of the kind. People who are not fanatics or enthusiasts, but sober, sensible men, have described what this trade is long before I came on the scene. Let me read a passage from *The Edinburgh Review*, which is not enthusiastic about anything. Now, *The Edinburgh Review* stated 25 years ago that—

"The liquor traffic, and particularly the retail branch of it, is a public nuisance, physically, economically, and morally."

I have never said anything stronger than that. Then there was Mr. Charles Buxton, himself a brewer, and a Member of this House, in an article upon drunkenness, said:—

"The struggle of the Church, the library, and the school against the public-house and beer-shop is but one development of the war between heaven and hell."

I would not for anything in the world have used such language, and I only quote it to show what other people say of the trade. I do not come here to attack the traders. I do not attack the Licensed Victuallers. If you license a man to a trade, of course it is only in human nature that he will do as much trade as he can; and you would set yourselves an impossible task if you were to say, "thus far you shall go, but no further." It is only natural that the Licensed Victuallers will do what they can to make money and push trade; and I quite agree with my right hon. Friend the Member for Birmingham, the Chancellor of the Duchy of Lancaster (Mr. John Bright). I quite agree with the right hon. Gentleman when he said the other day, addressing some Licensed Victuallers at Birmingham, he was much hurt to hear the strong language which temperance advocates used about the Licensed Victuallers. I agree with the right hon. Gentleman that nothing does so much harm to temperance as the use of strong language against the publicans. They are only doing their duty; they are licensed by law to carry on the trade, and we who license them and maintain the law by which they are licensed are really responsible for the crime and misery and degradation which the trade produces. Well, Sir, that is my opinion of the trade. Now, I want the House to bear with me while I explain how it gets into operation. The

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law admits that it is such a dangerous trade that it is not to be carried on freely and openly by anyone who likes, so it has prohibited the trade throughout the country but to a very few people. The law allows a few picked men—a few discreet persons, a few privileged men—to say to their friends and neighbours, or to those in whom they take an interest—"You may have a licence; you may have the exceptional privilege of selling drink;" and these persons are what are called the Licensing Magistrates. So I say your law is prohibitive with the exception of a few privileged people. It is said—"Oh, no, the law is free; free trade with restrictions." I am quite willing to take that answer; but if that is so, I say make the restrictions perfect, and carry them out. Well, it is supposed that these discreet persons—these magistrates—know exactly what is wanted by their neighbours in regard to drink. It is supposed that if there is a very poor place, full of pauperism and misery, they are wise enough to know whether the setting up of beershops in that neighbourhood would improve the wealth and happiness of the locality. They are supposed to know, if they see a populous district free from crime, whether it is not desirable to establish drinkshops to cause a continuance of that prosperity and happiness. It is said they must know better than anybody else what their friends and neighbours all round them want. Why, we had a very able defence of the magistrates only the other day from the hon. Member for East Sussex (Mr. Montague Scott). I am sorry the House was not very full when the hon. Gentleman made his speech. He said he had spent all his life in licensing public-houses, and he said magistrates were all like himself. They were men of moral and religious views, who had brought up their children well, and the logic and conclusion was that they must know the wants of the neighbourhood. That may be so. It is a very beautiful theory. This licensing system reminds me very much of what Voltaire said—"It is a beautiful theory, never refuted, except by facts." And what are the facts? These discreet persons have licensed such a number of houses in the country that last year we had £128,000,000 spent in this country in intoxicating drinks. I think that any

hon. Gentleman will agree with me that it would be a great blessing and a great mercy if we could greatly reduce the expenditure of the people upon these drinks. I do not think I am wrong in saying this; because there is not a Judge, there is not a clergyman, a Poor Law Guardian, there is not a gaoler who does not tell you that this drink is the cause—the main cause—of the crime and misery of the people. Only a very short time ago, my right hon. Friend the Postmaster General (Mr. Fawcett), who opposes this measure, because, as he says, he must have a glass of beer when he takes a walk out, said he had no hesitation in saying that—

"Both in Ireland and in the back slums of Glasgow—"

And, he might have added, within a few hundred yards of this House—

"We could find scenes of misery produced by that drink, out of which we raise revenue, quite as humiliating as any we could find in China produced by opium."

And I am quite sure that my right hon. Friend speaks the truth when he says that. Proofs of the evils are innumerable. Bills are repeatedly brought into this House dealing with the question, and the curious thing is that they are all in my direction. They are all meant to restrict the trade and to diminish it more or less. They are good or bad in comparison to the length they go with me, and they are brought in for all kinds of motives and by all kinds of people. I said all kinds of motives. The hon. and learned Member for Cambridge-shire (Mr. Rodwell) brought in a Bill that had a little suspicion of the Permissive Bill; but he went down to a brewers' dinner at Cambridge, and they did not care for his Bill because they thought there was a little bit of "Lawson" in it. But the hon. and learned Gentleman assured them that he did not intend by his Bill to shut up public-houses, but to shut up the Member for Carlisle. Now, the House will perceive, from what I have said, that I do not propose a large and comprehensive measure effecting the reform of the licensing system. I do nothing of the kind. I leave that to clever fellows and to statesmen, neither of which I am. All I propose is that the people for whom these places are licensed—the inhabitants for whose benefit they are set up—shall be allowed to say whether they

will have them or not. I state in the words of my Resolution, "that it should be optional," that those who want public-houses should be allowed to have them, or if they did not want them that they should not have them; that they should be allowed to choose whether the magistrates, with whom I find no fault, should be allowed to use their discretion and exercise their power in those districts in which persons live who are interested in the matter, and do not desire to have them. That explains the meaning of the word "optional." "Local" means that there should be a certain district marked out in which the inhabitants should be allowed to exercise their option. Surely there can be no harm in confining the choice to given localities, because the system already is localized. I do not want, as some people say, to allow small communities to legislate for themselves; but I want this House by legislation to say under what conditions the licensing authority shall exercise their power, and I want it to say they shall not exercise that power where the people do not wish the power to be exercised. Let me explain a little further by quoting my friends the Licensed Victuallers, who recently sent out a Circular which is not quite correct. In that Circular they call upon hon. Members to oppose my Motion, because it takes

"From the only law-making body in the nation—namely, Parliament—its rightful Constitutional functions."

I have explained that it takes away no function whatever from Parliament; but I simply ask Parliament to exercise its undoubted function, and say under what condition magistrates shall exercise their power. Then they go on to say this measure of mine tends to degrade the magistracy—

"By depriving them of a power which for more than three centuries they have exercised, in the main, wisely and well—"

And then say that the Resolution substitutes for them

"Bodies of persons swayed by popular passions and prejudice."

I suppose everybody is more or less swayed by popular passions and prejudice, magistrates included. But I do not propose any new licensing body; I

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only want the opinion of the people to be given to this licensing body. And then they affirm that I wish to confer

"Upon such bodies despotic powers to deal with vested interests of legal creation, and give effect to all sorts of crotchets and crazes in disregard of individual liberty and social convenience."

That is the publican's case, and a very poor one. I must now explain, as well as I can, what is the meaning of this Resolution, this Local Option Resolution. Local Option seems to puzzle a great many people. ["Hear, hear!"] Some one says, "Hear, hear!" I will explain it for his benefit, and I will tell him from whom I, at any rate, learnt the words Local Option. I first learnt it from the right hon. Gentleman the Prime Minister, because some years ago he wrote a letter to some person who wrote to him on this matter, and he said his disposition was to let in Local Option as far as was practicable and could be safely done. I need not read the Resolution again; I think hon. Gentlemen have it in their hands and know exactly what it says. It does not emanate from my own brain. I could not have invented anything so good. It came from Convocation. Convocation is a very important body, and upon the subject of drunkenness it had presented to it a very valuable Report. In that Report you find a recommendation which I have embodied in the Resolution before the House. I copied it word for word, with the exception of the few words at the end, "by some efficient measure of local option," which I inserted in order to make the matter a little clearer. And more than that, after Convocation had reported and used this recommendation, it was endorsed in a Memorial signed by no less than 14,000 clergymen of the Church of England, and presented to the Archbishop and Bishops. I mention this so that no one can suppose I may bring forward anything at all revolutionary or reckless. The Resolution means what I have already described, and these rev. gentlemen who brought in this Report stated that the Resolution meant this—that parishes or districts should be allowed to place themselves in the same condition in which other parishes are already placed by the will of the landlord. They said—

"We have found out by inquiry that when good and benevolent landlords have exercised the power they possess, and said—'We will not have drink shops in our neighbourhood,' a state of sobriety has arisen, and people had been most thankful to them for protecting them from the evil of drink."

And they say that if their Resolution was adopted by the House of Commons, other districts and parishes would have a chance of obtaining the same benefits as these districts have. Of course, those who vote for my Resolution will vote that it is wrong for an irresponsible authority to force drink shops on an unwilling neighbourhood; and those who vote against it will vote that an irresponsible authority ought to have the power of running counter to the wishes of their friends and neighbours, and of the inhabitants of the district in which they live. That is the whole meaning of the vote we shall take to-night. Some people prefer the word "control." Well, I do not see much difference between the two words. If you are able to control a horse you are able to stop him altogether. If you cannot stop him he is not under control. My object is to give people the power of stopping an evil altogether where they wish to do so. I think that if licensing is really intended for the benefit of the people, it is only logical that the wishes of the people should be consulted. Now, I think that Her Majesty's Government ought to give me some little help in this matter, because they are very strong on local self-government, and I am very glad to see they are. I read only yesterday a most interesting despatch to our Ambassador at Constantinople about Turkish reforms; and in that despatch I read that—

"The only desire of Her Majesty's Government is that a new law shall be so drawn up as to render equal justice to all classes of the community, with as large a measure of self-government as the conditions of the Provinces will admit."

Are Albanians and Bosnians, and Roumelians and Bulgarians, to be fit for self-government, and are the Government going to refuse self-government to the people of this country? Surely they are as fit for self-government as the Albanians and Bulgarians. It is of no use appealing to my hon. Friends on the other side of the House. Gentlemen on that side of the House know far better than I do what is the best policy for

them, and they have decided upon taking their stand upon beer. ["No, no!"] But I ask my Friends of the Liberal Party how they can possibly object to the policy and the principle embodied in this Resolution? I say nothing of the details; but I ask how they can possibly object to the principle embodied in the Resolution? What do the whole of us do when we go stumping the country electioneering? We declare that the wicked Tories will not allow the county franchise to be reduced, but that we excellent Liberals can trust our fellow-countrymen, and are prepared to bring the county franchise down to the level of that in the boroughs. We are unanimous on that point. There are only two of us who have been against it. One has been converted, and he has been sent to the House of Lords; the other is still unconverted, and he has been sent to Constantinople. Then I want to know with what face—I can use no other expression—with what face we Liberals are to go up and down the country, declaring that inhabitants of counties are entitled to a choice between two candidates, when we cannot trust them in a matter of this kind, to say whether or not they will have a public-house next door to them, involving the morality and happiness of their children and all that is dear to them, and concerning the prosperity and happiness of the districts in which they live? I should be astonished to hear any man who calls himself a Liberal get up in this House and say that he is in favour of reducing the county franchise, and yet that he cannot trust these men he is going to enfranchise to look after a matter such as the licensing of a beerhouse. I do not believe that my hon. Friend the Member for Liskeard (Mr. Courtney) would do that. I know that many of my hon. Friends look with suspicion upon the Resolution, and say that it is the Permissive Bill in disguise. ["Hear, hear!"] I knew that somebody would cheer that. But I want to ask those Gentlemen who cheer how it is possible in human nature, or, at any rate, in Parliamentary nature, that a Resolution can be a Bill? It is a thing impossible. I used to bring in a Permissive Bill, as the House is aware. I annoyed hon. Members over and over again with it. Hon. Members did not approve of the details. I have come

to the conclusion that if you want an argument for opposing a thing you do not quite understand, the proper course is to say you do not approve of the details. Under these circumstances, I said—"Let us have the principle in regard to this question, and let us leave all the details over." I can show my hon. Friends how this cannot be their old friend, the Permissive Bill. My right hon. Friend the Chancellor of the Duchy of Lancaster (Mr. John Bright) has often openly and fair and above board, in his usual straightforward manner, written letters strongly condemning the Permissive Bill itself; but he always said at the same time that he thoroughly approved of the principle of the Permissive Bill. Well, then, I say—"Do not condemn the Resolution. Do not give it up because there are no details." I do not wish to make any secret about it. I will not deceive the House; I believe that the Resolution does contain the principle of what I used to call the Permissive Bill, and that is, that the licensing of public-houses should only be permitted in places where the inhabitants of the districts desire the existence of licensed houses in their midst for the sale of intoxicating drinks. That has always been my policy and principle. That is why I propose this Resolution, because I wish—I must repeat it in order to make it clear—because I wish to lay down the principle that public-house licences ought not to be forced upon unwilling communities. That is enough for me, and it makes me like the Resolution. But some of my hon. Friends say that it means something more. If it does, I am exceedingly pleased; I am delighted. If it does, so much the better for the Resolution. Let anyone explain what it means in the best way he can, and I shall be most happy to hear his explanation, so long as he votes for it. I say, again, let there be no licensing where the people do not want it. That is my principle, and I leave the details over. That is why I propose a Resolution instead of a Bill. I want now to explain to the House that this principle of mine was really understood by the Select Committee of the House of Lords on Intemperance, and I do so because I quoted a sentence the last time I moved this Resolution in this House. I quoted it as endorsing the policy which I then advocated, and which I now advocate.

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The noble Marquess (the Marquess of Hartington) who then led the Opposition, but who is now Secretary of State for India, seemed to think that that quotation did not do my cause much good, because he said the Lords' Committee had condemned the Permissive Bill. I will quote the paragraph again, for that is the reason why I quoted it. The Lords' Committee condemned the Permissive Bill. They condemned the Permissive Bill utterly; but they endorsed the principle of the Resolution also thoroughly; and because they condemned the old Permissive Bill, I think it makes the case all the stronger. It is an admirable sentence, pointing out the enormity of the evil, and the unsuccessful efforts which have hitherto been made to remove it; and that fact will, I think, justify me in reading the passage once more to this House. It says—

"When great communities, deeply sensible of the miseries caused by intemperance, witnesses of the crime and pauperism which directly spring from it; conscious of the contamination to which their younger citizens are exposed; watching with grave anxiety the growth of female intemperance on a scale so vast and at a rate of progression so rapid as to constitute a new reproach and danger, believing that not only the morality of their citizens but their commercial prosperity is dependent on the diminution of these evils; seeing also that all that general legislation has been hitherto able to effect has been some improvement in public order, while it has been powerless to produce any perceptible decrease of intemperance; it would seem somewhat hard when such communities are willing at their own cost and hazard to grapple with the difficulty, and undertake their own purification, that the Legislature should refuse to create for them the necessary machinery or to entrust them with the requisite powers."

I say there never was a stronger sentence written in favour of the policy which I am advocating to-night. I hope I have explained clearly that the Resolution is not the Permissive Bill. So far as the Gentlemen are concerned who will follow me in opposition to the Resolution, I would advise them to confine themselves pretty much to abuse of the old Permissive Bill. That is what they did on the last occasion, and it very satisfactorily relieved their own minds; it was also satisfactory to the brewers, it shows a good deal of ingenuity, it does no harm to the Resolution, and it is complimentary to me in showing how prudent I was to propose a Resolution instead of a Bill. I now come to the Amendments which have been placed

upon the Paper, but which, owing to the Forms of the House, cannot be proposed. I have no particular objection to them. The first, which stands in the name of my hon. and learned Friend the Member for Dewsbury (Mr. Serjeant Simon), tells the magistrates that they ought to do what they already ought to do. I do not very much object to it. Then comes the Amendment of my hon. Friend the Member for Durham (Mr. J. W. Pease), whom I regret to say a domestic affliction has kept from the House. I will therefore not allude to his Amendment. There is one by my hon. Friend the Member for Scarborough (Sir Harcourt Johnstone), which says—

“That such local option will be best exercised by associating the ratepayers with the magistrates as a licensing authority.”

Very good; I see no objection to that. If the House decides in favour of it let them have that licensing authority. I have no objection to any of these schemes. They cannot make things much worse than they are. All I say is do not let any of the proposed licensing bodies force drink shops on places which do not want them. I come last to the Amendment of my hon. Friend the Member for Kirkcaldy (Sir George Campbell), and as I do not quite understand it I will say nothing about it. There is another strong objection to the Resolution. Most Houses of Commons do not like an abstract Resolution. But I believe there are cases where an abstract Resolution is laudable. There are exceptions to all rules, and I can quote cases which have occurred on both sides of the House where some of the most important legislation of recent years has been based upon abstract Resolutions. I recollect the celebrated Resolution brought in by the hon. Baronet the Member for South Devonshire (Sir Massey Lopes) upon Local Taxation. When the Conservative Government came into power subsequently they acted upon it. The present Prime Minister, some years ago, moved an abstract Resolution in this House condemning the Irish Church. When the opportunity offered, and the right hon. Gentleman had a majority at his back, he very properly carried out the policy inaugurated in that abstract Resolution. There is another case which is still more in point. Many hon. Members, who were Members of the old

House of Commons, will have a respectful remembrance of a worthy friend of mine—the late lamented Professor Smyth. He took up the question of Sunday Closing in Ireland, and he proceeded in the first instance by way of Resolution. He carried his Resolution, and a year or two afterwards he brought in a Bill, and was enabled to carry that measure in this House; which has already worked such wonders in the way of benefiting Ireland. That case afforded another argument in favour of abstract Resolutions. Hon. Members tell me that there ought to be something about compensation in my Resolution. If I would only do that they could find it in their hearts to vote for me. Now, I do not want to condemn compensation; but it is not the question which is before the House. The question is, whether it is right to force these houses upon an unwilling neighbourhood? and if it cannot be done without compensation, let us have compensation. I am quite sure that if ever my Resolution is crystallized into an Act of Parliament, this House will never refuse a fair demand from any body of men. I was glad to see what the Prime Minister said upon the matter in his electioneering speeches. He said that the publicans had not been very good friends of his; but he would, nevertheless, treat them fairly. I am just as anxious as the Prime Minister to treat them fairly, and to let them have every penny of compensation they are entitled to. But what were we told in regard to the Sunday Closing Bill for Ireland? The hon. Member for Limerick (Mr. O'Sullivan), who knows all about the publicans in Ireland, was continually speaking about them in this House, and he told us distinctly that if that Bill passed 16,000 publicans in Ireland would be ruined. We passed the Bill. Somebody proposed compensation, and the proposal was laughed out of the House. My right hon. Friends who sit on the front Opposition Bench ultimately agreed to the passing of that Bill for closing public-houses in Ireland on Sunday, and they never gave a penny of compensation to these men, although they were told they would be reduced to starvation. Then there was another Bill. I am not now arguing against compensation; but I am trying to prove that I was not called upon to put it in

the Resolution. My hon. Friend the Secretary to the Treasury brought in a Bill which did away with a great number of beerhouses in England. It did a great deal of good, and prevented old-established houses having licences that were below a certain rent. My hon. Friend the Member for Mayo brought forward a Bill during the tenure of power by the late Government which did away with a great number of beer-shops in Dublin; but not one penny of compensation did the House of Commons consent to give. I do not, then, see any reason at all, if these hon. Gentlemen could bring in Bills without proposing to give any compensation, why in moving my Resolution I was obliged to include compensation. I have only now, in conclusion, to say that there must be something in this demand that the people so persistently send up. This House knows, as well as I do, that it has sprung from the poor and from the working people of this country. There are hardly any rich men, hardly any great men, hardly any statesmen, who take an active part in the matter. The rich and influential have treated us with scorn. The Press, up the last year or two, has been generally against us; but lately things have all changed. In past times our cause found few advocates even in the pulpit; we had no great orators going about the country as in the days of the Anti-Corn Law League; we had no great subscriptions poured in to aid us in getting rid of this monopoly. The great interest principally affected, and which is so powerful in the country, steadily exerted itself against us. The hon. Member for Derby—not the Home Secretary, but the senior Member for Derby (Mr. M. T. Bass)—told us that for every pound we put down they could put down £100; and so they could. We had all that to contend with; and yet these men know, as well as I know, that I am not overstating the case when I say that in the constituencies at large no subject at this moment excites so much interest as this. And how can we have got it in that position with all the obstacles which I have described? There is no way in which we could have got it into that position except this—that our cause was just, and our demand right and reasonable. Now, Sir, I know perfectly well that the Government have many intricate

and troublous questions to deal with, and I am very sorry to force any further matters upon them; but I do say that this is one which they cannot very long delay dealing with. The right hon. Gentleman the President of the Board of Trade (Mr. Chamberlain), in some able writing upon this subject years ago, said that if nothing was done the very stones would cry out. I do not think that the right hon. Gentleman exaggerated the necessity of the demand. But, as I have said, I do not wish to embarrass the Government. Far from it. They have enough on their hands at the present moment, and I want by this Motion to aid them in dealing with the question. I was glad to see that the Prime Minister, in several of his speeches, stated that this was a matter in which public opinion must be paramount. No Government can go before public opinion. Far be it from me to urge them to do so. Any Government that did so would not do itself any great credit. I do not even urge the right hon. Gentleman the Prime Minister to vote for the Motion; but I do ask him most respectfully to leave it to the unbiassed opinion of this House to reflect the views of the country. I believe—nay, I am sure—that the House is not insensible of the value of the course I am advocating. I am sure hon. Members of this House are convinced there are sound reasons for this policy which I propose; and I am not without hope that the result of our decision to-night will be such that this House will lay the foundation of a great reform, the full accomplishment of which hereafter, will, I believe, entitle this House to a memorable and an honourable place in the annals of the Parliaments of England. The hon. Gentleman concluded by moving his Resolution.

MR. HUGH MASON: I rise, Sir, to second the Motion. I am sure the opinion in the House and in the country is universal that something ought to be done to check the great evil of intemperance, which prevails so extensively among us, and I am equally sure that we only differ as to the means to be adopted to carry out our purpose. I feel that a great responsibility will rest upon this House—upon every Member of this House—if they do not propose any measure themselves to check this growing mischief, and yet decline to help those of us

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who do bring forward measures which we think will, in some degree, tend to promote public sobriety. I will not take up the time of the House by quoting statistics which, over and over again, have shown how extensively intemperance does prevail in the country. Blue Books have placed before us the facts of the case; their statistics have been read by every intelligent man in the country, and every thoughtful man who has read them must deplore the extent of the mischief these statistics have revealed. This sad vice of drunkenness is the source and the foundation of a great proportion, to say the least, of the misery, the pauperism, and the crime which we all have to lament, and which prevail to so large an extent in the country. I know there are some good men who have said that legislation will be inoperative to check this evil, and that we must be content to wait for the slow growth of habits of sobriety before we shall see any improvement in the state of the people as regards this vice. But we are forced to admit, at the same time, that the Acts which have been passed, giving to Scotland and Ireland the power of closing public-houses only on one day of the week, have accomplished a considerable amount of good; and if we can only have a similar measure for England and Wales—which I earnestly hope we shall have by-and-bye—the good effects will be still more apparent. We do not wish to introduce any new principle of legislation; but we do wish to extend a principle of legislation which has prevailed in this country for centuries; for, in regard to the buying and selling of intoxicants, it is a trade which has been governed by Acts of Parliament for hundreds of years. I think we may claim for those who have done so much for temperance organization and temperance reform that they are never backward in the discharge of their duty, by sending money and by giving their services for other useful purposes—for the promotion of education, for the opening of rational places of amusement for the people, and for other means which have an indirect tendency, at least, in assisting those who seek to put down this evil. We are told our proposal is an instance of class legislation. Now, if I thought this, I, for one, would not for a moment have anything to do with it. It is said that it is

an endeavour to establish a law which will control the poor, but which, at the same time, will exempt the rich from its operation. Now, I think the phrase “class legislation,” as applied in this case, is a very loose one, and will not stand the test of examination. What is it we seek to do? We wish to take the power of forcing these licences on a district from the hands of a few magistrates, and we wish to put that power into the hands of the people at large. We dare trust the people with the exercise of this power. They beg to be trusted with this power, and to be free from a power over which they have no control. Is it not too late to tell us we dare not trust the people with the exercise of this power, when we have given them the power to elect all the Members of this House, to elect members of Municipal Councils, and we have intrusted them with duties and responsibilities of the highest and most important character? But, I ask, who are they that use strong words in reference to us, in accusing us of bringing forward a measure of class legislation? I must say their advocacy of the poor is, to me, surrounded with suspicion and misgiving. They talk of confiscation in reference to our measure; but I am quite sure that, if any principle of confiscation were involved, this House would never be a party to sanctioning it. I know that in past generations this House has passed a measure for granting a large sum to the slave holders, who held a kind of property which, certainly, was acknowledged by the laws of the country; but which, in my opinion, was never sanctioned by the laws of God. Parliament is always tender, and always has been, for the protection of class interests; and I, for one, never will be a party to closing these public-houses forcibly by law without rendering that amount of compensation which the circumstances would seem to justify. I am equally certain that a Parliament of the present day would never sanction such a measure. The evil we deplore is so great, is so mischievous, that if buying up for their full value all the licensed houses in the country would extinguish the enormous evil connected with the traffic in intoxicants, I should be ready to pay the enormous price which such a measure would require; and I am sure that, morally, commercially, politically,

and socially, the gain of such a transaction would be beyond all price. We groan under financial burdens which the evils and follies of past generations have imposed upon us; but we sit down, almost without a murmuring word, under this great burden, the drink traffic in its various ramifications. We grumble at the present day because the Government seeks to impose the additional 1*d.* on the Income Tax to relieve the suffering farmer; yet we bear, and do little or nothing to remedy, this other and far greater evil. I know of many instances where adjoining property has been greatly depreciated by the opening of a tavern. I know, also, of many instances where working men and working women, who must live near the factory where they earn their daily bread, have been compelled to leave their cottage, where they have dwelt for years, and to live farther away from their work, in order to escape the annoyance and temptation to their sons and daughters and to themselves which are inherent in the public-house. Our object is, as I have said, to take away the power from the magistrates, and place it in the hands of another class of people; and I, for one, am greatly surprised that the publicans and beer-sellers object to our proposed change. The magistrates are not the consumers; it is the working classes who are the publicans' patrons and consumers, and it is to these we wish to give the power to control the issue of licences. I know of many public-houses where the accommodation is altogether insufficient for the business, and where the social and domestic arrangements are utterly unfit for life; and I know of cases where a canvas of magistrates for new licences has frequently taken place for the purpose of seeking for political votes. And I know of cases—for I have for 20 years taken an interest, as a magistrate, in the proceedings of our licensing, or Brewster Sessions—I know of cases where, the law having been defiantly broken by the publican, the licence has been taken away by the magistrates; and, on an appeal being made to the Quarter Sessions, the decision of the magistrates has been reversed, and at one Quarter Sessions there was a "whip" of the magistrates for that purpose, the owner of the public-house being a Peer of the Realm. I say, let us have working men for this

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tribunal, rather than such a licensing authority as that to which I have referred. But, perhaps, we need not be surprised when we know how magistrates are too frequently appointed—appointed for political purposes, or as a reward for political services, where special fitness for the duties they would be called upon to discharge has been disregarded. Even in these modern days we see instances of appointments such as I have described. In Manchester, for nearly 20 years we have had no increase whatever in the number of licensed public-houses, and yet, at the present day, there are there more than enough for the wants and necessities of the community. Within these two decades we know that the population of that place has enormously increased, and yet this multiplicity of licences was granted by a Bench of Magistrates. From whatever direction I look at our present licensing system, the more I feel it cannot go on, and that a vital change must be made in it. In the borough which I have the honour to represent (Ashton-under-Lyne) I can, in the course of a 10 minutes' walk, pass 20 houses licensed for the sale of drink, and yet all these licences have been granted by former Benches of Magistrates, supposed to have regard to the wants and necessities of the people. And for some years it has been the practice of the big brewers to buy up extensively these licensed houses, adding enormously to their own trade. In some instances I know where the value of such property has been increased fivefold. We talk of moral means, apart from legislation, for the accomplishment of the good end we seek—the putting down of drunkenness; but I have lived long enough to see that moral means are insufficient. As the excellent Bishop of Manchester said, we build churches and we found schools; but experience shows that the drunkenness of the country more than keeps pace with all the good measures we adopt for the improvement of the people. We institute modes by which they can invest their money in savings banks and in building clubs; we start co-operative societies; and yet we see the temptation to spend their earnings in intoxicants is so great that at a time of cessation of labour a large proportion of our working people are plunged into circumstances of the deepest distress.

The working men appeal to this House in order that they may have conferred on them the power to protect themselves. In that appeal I earnestly and sincerely join; and I implore the House not to turn a deaf ear to their cry.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "inasmuch as the ancient and avowed object of Licensing the Sale of Intoxicating Liquors is to supply a supposed public want, without detriment to the public welfare, this House is of opinion that a legal power of restraining the issue or renewal of Licences should be placed in the hands of the persons most deeply interested and affected, namely, the inhabitants themselves, who are entitled to protection from the injurious consequences of the present system, by some efficient measure of local option,"—
(*Sir Wilfrid Lawson*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE: I do not rise at this early period of the debate with either the idea or the desire of checking the course of this discussion. On the contrary, I think that the delivery of speeches, full of argument and full of information on a matter of this enormous social interest, is a thing highly valuable and important to the public welfare. But I rise at this time because I thought it my duty to meet without a moment's delay, so far as it depended upon me, the courteous and encouraging invitation addressed to me by my hon. Friend the Mover of the Amendment. I understood my hon. Friend to say, at the close of his speech, he did not propose, and he did not much expect me, to give a vote in favour of the adoption at the present time of the Motion; but he hoped no attempt would be made on the part of the Government to bring whatever authority belongs to the Executive Government, as such, to bear on the deliberations of the House, but that everybody should be encouraged to declare his own sentiments, and to vote according to his own belief and judgment in the matter. I can meet that invitation or challenge of my hon. Friend in a manner that I hope will not be unsatisfactory to my hon. Friend. The opinion he entertains on that subject—namely, as to the course the Government ought to take, is an opinion to which

we ourselves had arrived. We do not desire to bring any pressure whatever to bear upon the House. I recognize with pleasure the statement of my hon. Friend that it is not in the power of the Government to take largely into its own hands the decision of a question such as this; that it must be content to march with a close and 'sedulous regard to the progress of public opinion; and that, even if it be true—as it is true—that the Government may at a certain stage do something towards ripening or giving form to that public opinion, yet if it places itself in a position entirely apart from, whether in advance or in the rear, it mistakes its functions, and a premature attempt would probably result in reaction or recoil. There are Members of the Government who have voted already in favour of the Resolution of my hon. Friend; and those Members will, so far as I know, renew that vote to-night. I shall not follow my hon. Friend into the Lobby; and I may tell him at once frankly the reason that will lead me to pursue the course which he hinted at as probable on my part. He quotes a case in which I was the Mover of an abstract Resolution—namely, the series of Resolutions in 1868 on the Irish Church Establishment. That is perfectly true; but my hon. Friend will do me the justice of saying that those abstract Resolutions were simply the preface to a Bill which I proposed to introduce, and did introduce and carry through this House. [*Sir Wilfrid Lawson*: In the same Session?] Yes. Not the Bill to disestablish the Irish Church, because I considered that a dying Parliament was unequal to such a task; but a Bill to arrest all appointments in the Irish Church until after the Election then approaching, in order that legislation might be reserved to the next Parliament. And even as in 1868, when, in proposing a Resolution of this kind, I was prepared to give practical effect to it in a definite form, on which the judgment of the House could be tested, the very same expectation would be, I think, legitimately entertained of me, especially in the place I have now the honour to fill, if I were now to vote in favour of the abstract Resolution of my hon. Friend. My hon. Friend will also perceive that I have a greater facility in adopting the course I proposed to take, because the Forms of the House require

my hon. Friend to bring on his Motion as an Amendment to Supply, which enables me to deal with him very much as if the Previous Question were raised. He will not suppose that in vindicating this liberty for myself, and in thus conveying my view of my own duty, I intend to censure him. Great as is the inconvenience which attaches to the adoption of abstract Resolutions by this House, yet I am free to confess that hon. Members must naturally be disposed to exercise their own judgments as to the best means of advancing what they think a great public cause, and in many cases they may think they can best attain their purpose by means of an abstract Resolution. I am far from questioning the correctness of their judgment in that respect; but the expectations which will follow their votes are entirely different from those which would be founded on the vote of one occupying my position. I should have been better pleased with the matter of the Resolution if my hon. Friend had included in it some reference to the principle of equitable compensation. I do not want my hon. Friend to commit himself upon that point; but I want a frank recognition of the principle that we are not to deny to publicans, as a class, the benefits of equal treatment, because we think their trade is at so many points in contact with, and even sometimes productive of, great public mischief. Considering the legislative title they have acquired, and the recognition of their position in the proceedings of this House for a long series of years, they ought not to be placed at a disadvantage on account of the particular impression we may entertain—in many cases but too justly—in relation to the mischiefs connected with the present licensing system and the consumption of strong liquors as it is now carried on. Having said this much, it is unnecessary for me to follow my hon. Friends into the argument which they are more competent to conduct than myself; but a few words I will say expressive of my general sympathy. My hon. Friend the Mover of the Amendment read at the close of his speech from the Report of the Committee of the House of Lords a very striking passage; and I am bound to say that, individually, I do not think there is a word in that passage which I am not prepared to adopt. My difficulty in this case is not the ordinary difficulty of

of a Government—namely, the want of time and the recent time since we assumed Office—it is the intricacy with which the question itself is surrounded. I do not as yet see my way to any particular measure by which just effect can be given to the principle of my hon. Friend. To that principle itself I am friendly. My hon. Friend, indeed, assigns me a very interesting position in regard to his Motion. He attributes to me the parentage of the words in which it is expressed. A man readily forgets his sins, and occasionally he appears to forget his good deeds; but I was not aware I had any claim to the originality and production of that phrase. But be that as it may, I earnestly entertain the hope that at some not very distant period it may be found practicable to deal with the Licensing Laws, and in dealing with them to include the reasonable and just application of the principle for which my hon. Friend contends. We all go together up to a certain point. We all recognize and allow that the evils of intoxication are not merely grave, but monstrous. Their extent, and their depth, and their intensity, need hardly be described; but, having made that admission, our paths begin to diverge. There are those who say, as has been justly stated by my hon. Friend the Secunder of the Motion, that nothing can be done by legislation; that mechanical means cannot cure moral evils; that we must not deal with the subject by mere prohibition, but must trust to the progress of civilized habits and moral convictions. I do not agree with those who say that legislation is of no avail in this matter. Legislation has great power in removing positive sources of temptation, and the question will be to what extent, in what manner, and under what conditions legislation can be employed at the suitable moment for the purpose of lessening or removing those sources of temptation either in cases where the principles adopted are capable of a universal application, or in cases where it may be thought requisite to give to the local judgment of the population an influence in the matter. I do not agree with those who say that any legislation in the direction of my hon. Friend's wishes must be class legislation; because I think he and the Secunder of the Resolution are right in holding that it is eminently and

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peculiarly from among the people themselves that the movement and the expression of sympathy and desire for a measure of this kind proceeds. It is not among the great, it is not among the rich, it is not among the wealthy, it is not exclusively, at any rate, among the educated and enlightened. It is, to a great extent, a true genuine instinct of the popular mind which disposes so many of our fellow-citizens to desire to call in the action of external restraints in aid of their own best inclinations, and to assist them in resistance to those inclinations which they regret. For myself, I certainly am one of those who, regarding the general structure of the Licensing Law, are thoroughly and radically dissatisfied with it. But here I must say what will not give pleasure to my Friends, I am no believer in monopoly, either in this or any other matter. Parliament has been busy for about 10 years in building and bolstering up monopolies, in adding to the artificial values which attach to property invested in public-houses, and which, in my opinion, are by far the most deadly and inveterate enemies with which my hon. Friend has to deal; and, therefore, I do not claim any credit from my hon. Friend for being individually indisposed to work in the direction of those measures with regard to monopoly which appear to proceed upon the assumption that by increasing its range you restrict and mitigate its miseries. I believe the exact reverse. I believe that in proportion as you mount up higher and higher, these simply prohibitory laws, tending to restrict numbers and enhance and augment values, you multiply and raise to a higher point the obstacles with which you have to deal. I do not wish to be drawn into any premature conclusion; but it is only fair to make the admission. But with regard to the question which my hon. Friend has brought before us, I will say these two things in conclusion. First of all, that I believe that one of the great subjects which will call for the attention of the Executive at as early a period as the heavy competing pressure of some other subjects will permit will be the reform of the Licensing Laws; and, secondly, I believe that that reform is so eminently called for, and is so favoured by the circumstances in which we now stand, that I regard it as an essential part of the work and mission

of the present Parliament. I have no prejudices upon this subject; but I am glad to have at least the pardon, if not the approval, of my hon. Friend, if I decline to express by my vote distinct adhesion to an expression of abstract principle on the subject until I feel myself armed with the possession of some practical plan that I am in a condition to recommend for the approval of Parliament. With these observations, I recommend the question to the consideration of the House of Commons.

SIR ROBERT CUNLIFFE: Sir, I rise to ask the indulgence of the House for a few moments whilst I refer to the reasons why I think the proposition which is now before the House deserves its favourable consideration, and to the position in which we stand in regard to this question. Now, Sir, I think no one will deny that there exists outside this House a very strong opinion in favour of some legislation with regard to this matter; and I think it is true to say that that strong opinion exists not only with regard to those who may be considered the supporters of my hon. Friend the Member for Carlisle, in regard to the measure before us, but it exists widely throughout the whole country. Although we have had within the last 10 years two Licensing Acts, and although these have done much to improve the licensing system, yet I think we stand in regard to this great evil of intemperance in a very unsatisfactory position. Now, Sir, I should not presume to make that statement to the House as embodying my own opinion or any knowledge of my own; but I will take two authorities whose opinion, I think, will be treated with respect. The first authority I quote is a sentence from a speech of Lord Aberdare, in introducing the Bill of 1871. Lord Aberdare said—

“He would not pause to ask whether drunkenness was or was not on the increase, for he felt satisfied that the evil was so great as to be a blot upon our social system, and a disgrace to our civilization.”—[3 *Hansard*, ccv. 1063.]

He was then the Home Secretary, speaking from his place in Parliament. Now nearly 10 years have elapsed, and what is the state of the question now? I will only refer to the paragraph which has been already mentioned by the hon. Member for Carlisle, and which has made a great deal of impression upon the Prime Minister. The Committee of

the House of Lords say in a paragraph where they discuss the Bill founded on the Gothenburg system brought in by the right hon. Gentleman the President of the Board of Trade—

“All that general legislation has hitherto been able to effect has been some improvement in general order, while it has been powerless to produce any perceptible decrease of intemperance.”

And, Sir, it cannot be said that public attention has not constantly been called to this question, which I take to be another proof of the strong feeling out-of-doors. I think on 10 different occasions since 1869 the hon. Member for Carlisle has brought this question before us. It has come up before the House year after year like a hardy perennial, only to be rejected; but still he has brought it up. In addition to that we have had an interesting Bill brought in by the President of the Board of Trade founded on the Gothenburg system; and we have had a Bill for Licensing Boards, brought in by the hon. Member for Newcastle (Mr. J. Cowen), which has produced an interesting discussion. Lastly, we have had a Bill brought in by the hon. Member for Scarborough (Sir Harcourt Johnstone), which I regretted to see the other day, in consequence of the pressure of Business, produced only a short discussion in this House. These are all more or less based on the principle we are asked to vote upon to-night. I am one of many persons who have never been able to persuade themselves that the measure which was brought in by the hon. Member for Carlisle is the best that could be adopted to solve the difficulty. Although I shall give my vote in favour of his Motion, I shall consider myself perfectly free on some future occasion to take a different course on some other Bill that may be brought forward. I may quote some words used on the last occasion by the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright), who said—

“He should vote for the present Resolution, and, having voted for it, would feel that he was just as free to deal with the drink question . . . as if he had never heard of the Permissive Bill, and as if the present Resolution had never been before them.”—[*Ibid.* ccli. 497.]

Now, I will venture to quote one more passage from the speech of Lord Aberdare in 1871, which appears to me to

cover the ground for the reasons why we should vote for some measure of Local Option. Lord Aberdare said we should create some strong vigorous opinion in the different localities, and he concluded with these words—

“He was satisfied, therefore, that if they were to create a wholesome and vigorous public opinion on that subject, they must give the ratepayers of the country some direct control over it, and that the more widely that control could, without injustice, be extended, the greater would be the social advantage.”—[*Ibid.* ccv. 1075.]

I think the words I have read to the House afford ample grounds for the Resolution now before us. It has been remarked in the debate that this proposal appears to cast some blame on the magistrates as the present licensing authorities. I am not able to follow that; but I may be permitted to say that the Lords' Committee speak with approval of “confirming authority,” and they think the value of their confirming authority is acknowledged by several witnesses as a check on the granting authority. It is thought some check should be placed on the licensing; but I think the magistrates have erred by allowing too many licences. But if we can by some measure give the ratepayers some means of bringing power to bear on the licensing authorities, we shall get rid of those difficulties and evils which occur under the present system. I should like to refer for a moment to a speech made by a Gentleman who is greatly respected by this House—Mr. Rathbone. The few words I wish to quote were delivered in this House during the discussion on the Motion by the hon. Member for Newcastle. Mr. Rathbone gave an interesting account of what had taken place in the suburban district of Woolton, near Liverpool, where, during nine years, the “Free licensing system” had been adopted. He said they steadily refused renewal to disorderly houses, and they kept the same numbers in spite of increase of population. He added—

“I do not hesitate to say that the magistrates and police of England, if they would only enforce the existing laws, have ample powers in their hands to shut up one-third of the public-houses, and reduce, by at least a quarter, the crime of the Kingdom by simply refusing to renew the licences of any houses doing a disorderly trade.”—[*Ibid.* ccxxix. 908.]

But do not we require more direct and complete pressure put upon the licensing authorities in this country by

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those more immediately affected by the consequences? Mr. Rathbone gave an interesting account of a very respectable licensed victualler in Liverpool, said to be doing a high-class trade there; but who stated that, in consequence of the greater stringency of the police and the magistrates, his takings had been reduced by £700 a-year. I think that shows that, although the present law is imperfect, it is possible to administer it in a better manner to meet the social requirements of the age. Mr. Rathbone asked the House to consider

“What an amount of evil and demoralization preventable under the present law, if strictly administered, that £700 a-year represents.”—*[Ibid.]*

What is the recommendation of the Committee of the House of Lords, who obtained great weight in this House because of the noble Lords composing the Committee, and because of the moderation of the Report they brought up? The Committee were unable to recommend Licensing Boards; but they recommended that County Boards or Local Boards should be established with an extensive area, and that the licensing power should be transferred to those bodies. I think in those Boards there would be an elective element to represent the ratepayers. If that is so, Sir, we should have that elective principle introduced in the Licensing Boards of the country, which will give the ratepayers that control over the licensing which is so much wanted at the present moment. Now, Sir, I will not detain the House any longer; but I would just point out that the Committee further recommended that legislative facilities should be afforded for the local adoption of the Gothenburg and Mr. Chamberlain's schemes. I think that is a high recommendation of the principle of Local Option, in some measure to be approved by the legislation of this House; and the object of that would be to control and absorb some of the licences now existing. The Prime Minister alluded to that difficult point, how compensation could be given if Parliament determined to reduce the number of public-houses. That brings me to the seventh recommendation of the Committee of the House of Lords, in which they point out

“That a considerable increase should be made in the licence duties.”

Many hon. Members are aware that by the Bill brought in by the hon. Member for Scarborough it was proposed to devote a portion of the funds derived from licences for compensation to the existing public-houses. The Committee say, further, that the

“Size of the premises, the profits of the trade, and, consequently, the value of the licences, have increased enormously during the last 10 years.”

If that is true, I think it is an element which we might fairly take into consideration when we come to deal with this question in some practical Bill; because, as the Committee say—

“The public are fairly entitled to a larger share than they have hitherto received of the profits of a monopoly thus artificially created.”

I will not detain the House any longer. I thank you for listening to me with so much patience. I will only venture to add that I rose principally to express my earnest hope that Her Majesty's Government will, at some future day, be able to deal with this important question; and I think, from what has fallen from the Prime Minister, we may venture to anticipate that something will be done. If the Government will deal with the question, I am sure they will have attempted to achieve an object worthy of the ambition of any Ministry, and which will entitle them to the lasting gratitude of the whole country.

CAPTAIN AYLMER said, they were all agreed as to the ill effects of intemperance, and they would all be glad to know of some means by which they could be remedied without injury to vested and existing interests. But all this Resolution pretended to do was to transfer the power of granting licences from one body to another. That would not put an end to intemperance. The hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) said his Resolution had its beginning in a Resolution of Convocation; but his experience of life was that a clergyman was the worst man in the world to grapple with a practical difficulty. The proposal of the hon. Baronet came before them in the objectionable form of an abstract Resolution, which appeared to be aimed somewhat at the magistrates. The hon. Baronet wanted to give the power now possessed by the magistrates to the ratepayers of each district; but it must be

remembered that the ratepayers were only about one-third of the inhabitants of a district. That was stopping half-way; but if the hon. Baronet went to the extreme, he would give the licensing power to a much worse authority than the magistrates. The licensing power, if Local Option were carried out, would be given to those who used public-houses most, and that was like giving a child a knife to play with because he had cut his fingers. The logical conclusion of this Resolution was that because men got drunk, therefore those men should have the power to license public-houses. It had been said that there were too many public-houses in the land, and why did not the magistrates put them down? Well, since 1869, the magistrates had closed 9,000 public-houses. He had received a paper from Manchester asking him not to vote for this Resolution, and it came from the National Union for the Suppression of Intemperance. Surely such a Society knew whether Local Option would promote temperance or not; and he found they were against this Motion. This Resolution was a slight on the magistracy—a slight on a body of men who, as the “great unpaid,” had done their work in a most worthy and exemplary manner. No one would believe that an elective body would be so independent as the magistrates, and they ought to go to the higher classes rather than to the lower classes to find a proper licensing body. He maintained that the magistrates were the best licensing authority; they lived in the place, and were independent of any improper influence that might be brought to bear upon them. In conclusion, he would vote against the Resolution of the hon. Baronet the Member for Carlisle, and in favour of the Motion that the Speaker leave the Chair.

MR. ARTHUR ARNOLD: The hon. and gallant Member who has just sat down has delivered a eulogy on the magistrates of this country which I am very far from saying they do not generally deserve. In reference to the administration of their functions in connection with licensing, the magistrates deserve, I think, as much praise as they do in regard to the performance of any part of their business. It is quite clear from all the Reports before the House that they have not extended the distribution of

licences unduly, and that they have had, so far as they could have, general regard for the rights of those whose capital is invested in this description of property, and that they have also exercised, on the whole, a judicious and careful control, so far as they could, over the management of public-houses. When my hon. Friend the Member for Carlisle commenced his speech he said that Local Option was a mysterious term. I quite agree with him in that. I should have much preferred to hear him use the words “local control,” because that part of his Resolution which is most intelligible to myself, and with which I am in perfect and entire accord, is that which says that the representation of the people in this matter—which is to them of such deep and vital social importance—should be in their own hands—that they should have, as I contend they have a right to have, local control in this matter. Now, the people of this country are not represented by the magistrates. However excellent may be character and conduct of those who are appointed to the magistracy in this country, I repeat that the people—the working men and working people generally, of whom I have the honour to represent a large section in the House tonight—have not confidence in the representation they possess in this great matter. It has happened to me, in a much shorter political experience than that of many hon. Members of this House, to feel it my duty twice to call the attention of Her Majesty’s Government to the appointment of certain magistrates. In 1873, when, as now, the country had the advantage of the services of the distinguished ornament of this House, in the Office of Prime Minister, I had a temporary and interesting connection with the borough of Huntingdon. On one occasion in that year I felt it my duty to call the attention of the Prime Minister to the neglect of the Lord Lieutenant to give a fair representation to a large minority in the county who were Nonconformists. The Prime Minister thought proper to reply to me condemning the conduct of the Lord Lieutenant of Huntingdonshire, in regard to the fact that there was not a single Nonconformist on the Bench of the county. Well, the Lord Lieutenant of Huntingdonshire took cognizance in a very careful manner of the right hon. Gentleman’s complaint,

and within a year or 18 months he so far saw the error of his ways as to make the magistracy of the county more representative by placing two Nonconformists on the Bench. In the present year, again, I have felt it my duty to call the attention of the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) to the appointments in that county with which I have now a happy and I hope a permanent connection. Now the borough of Southport—and I am glad to see the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross) in his place, because this matter is of peculiar interest to himself—the borough of Southport, I say, is, as the late Home Secretary knows perfectly well, and as is known in the county of Lancaster, thoroughly liberal in its sentiments. The Town Council of Southport, or a large majority of the members of it, is Liberal in opinion; but when it was proposed, on the recommendation of the right hon. Gentleman (Sir R. Assheton Cross), to grant a Commission of the Peace to the borough, Her Majesty's late Government thought proper to place 11 Conservatives and 4 Liberals on the Bench. Now this Bench of Magistrates is the licensing authority for the borough of Southport. I shall be extremely glad if the right hon. Gentleman (Sir R. Assheton Cross) will tell me that in this borough, where three-fourths, or nearly three-fourths, of the Town Council are Liberals, and which, as he knows very well in regard to the late Election, is thoroughly Liberal, the character of the magistracy is representative. I should like him to tell me this, for I have no doubt he intends to take part in this debate. I myself know, on the best authority—that the people of Southport have no confidence in the appointments made by the late Government as to the magistracy. Let me suppose that the magistrates of Southport thought proper to imitate the example of the magistrates of another portion of South-West Lancashire—namely, Liverpool. It is not long ago since Liverpool magistrates declared free trade in liquor. Suppose the magistrates of Southport, through a freak of fancy of their own, were to say that the people of that borough, should in future have free trade in liquor. I say that these magistrates have no right to claim

in regard to such subjects that they represent the people. This, I consider, would be a gross travestie of representative power. When I listened to the hon. Member for Carlisle, I must say I regretted that he was not more explicit in regard to the terms of this Resolution, and I would ask the House to bear with me while I endeavour to state what is the interpretation which I place upon them. Many people who read the words of this Resolution—which is somewhat dark in its phraseology—are inclined, especially in country districts, to suppose that it has some concealed intention of confiscating the licences which have been given throughout the country. Now, I want to speak very plainly indeed upon this subject. What is the position of the man who possesses a licence for a public-house? We know very well that that licence is renewable from year to year; and that it is impossible to disguise from ourselves that there is a belief largely spread throughout the country that this Resolution means, or may be held to mean, that these licences will be liable to be forfeited by a popular vote given in regard to that particular matter. Now, I can only say for myself that I regard a licence possessed by the man who has the privilege of holding that licence for the sale of wine and spirits as a very substantial property—and I will tell the House why—because there is in regard to that licence every feature of property. Men have made investments from time to time upon the faith of those licences. The houses to which the licences belong are bought and sold every day at very large prices, and men exhibit, in the confidence with which they deal in property of this description, and in the confidence with which their investments are made, and through the neglect of Parliament to issue any substantial warning to the contrary, a belief that they are dealing with what is real and substantial property, and I hold and maintain that these men have in these licences a substantial property, which has been treated and dealt with as property. A newspaper of very large circulation and great influence in the neighbourhood I have the honour to represent spoke of me not very long ago in regard to something I had written about the land, and said I was almost too tender with regard to the rights of property. I think it is

impossible for anyone who attempts seriously to undertake the work of reform to deal too tenderly with the rights of property. The foundation of success in regard to the work of reform is to pay due and proper and consistent respect to the rights of property. [*Cheers.*] Well, now, the cheers of the House lead me to believe that there is a very general belief and impression on the part of the majority that I rightly describe the condition of licences when I say that they are substantial property. If they are admitted to be such, then I pass on to say that I hold it to be one of the most important functions of Parliament to remember at all times that this House is, first and above all, the trustee of property throughout the country. A primary duty of Parliament is to remember that every description of property is held in trust by this House. No man's title-deed is worth much if the opinion of this House is against him; and therefore this House must always, I humbly submit, remember that its clear duty is to regard the rights of property as its own possession, and never, under any circumstances whatever, to delegate the dealing with these rights of property to any other authority in the country. I have heard it said that inasmuch as a licence is granted by local authority, that that which the local authority has conceded that also it should be able to take back at any time; that it should be able to decree that the person to whom it granted a licence should at any time forfeit that licence. I should like to show the House why in this matter that is an unsound and unsafe doctrine. It is true the local authority is empowered to grant licences under certain conditions; but if the House holds, as I certainly do, that these licences when granted constitute a property, then we must remember that the local authorities are not empowered under the conditions on which the property is intrusted to them by this House to withdraw the concession they have made. The local authority is empowered to make streets and ways through the town—to improve the means of intercommunication throughout the town; but when the local authority has made a street—for which purpose it need not apply to Parliament—it has not the power subsequently to disturb the property built upon the street which has been opened,

Mr. Arthur Arnold

and declared to be the use of the public for ever. There is no power in the local authority to deal with that property except by an application to Parliament. We have in this House almost every day Provisional Orders lying on the Table, which are to sanction the exercise by these local authorities of special powers for taking property under the sanction of Parliament. Having laid it down that there is a property in the licences, I say it is not competent for the House to give to any local authority the power of confiscating that property without compensation in the usual way. But there is one description of property connected with licences which I certainly desire to see taken advantage of by the local authority for the benefit of the public. I will give an instance which came under my own observation the other day. In a suburb of London a piece of land was laid out for a building estate, and the builder thought proper to devote a central position to a licensed public-house. The erection of the house cost him about £1,900, all told, and he obtained a licence for it, and there was a strict condition in connection with the building estate that there should be no other licensed house upon the property. Well, having expended only £1,900 on the building of this house, the builder sold it last week to a gentleman I know very well, who is a brewer, for £4,000. So that he pocketed £2,100 for the privilege of the exercise of the monopoly of selling intoxicating drink in this country. I am most anxious that a due and proper share of large sums of this sort accruing in that manner should be taken for the public advantage, and I should very much indeed like to see that £2,100, or a proper proportion of it in the exercise of local control, taken for the advantage of the public. I want only to say, in conclusion, that the hon. and gallant Member for Maidstone (Captain Aylmer) referred to this matter being settled by something like a simple counting of heads or votes. If I understood the hon. and gallant Member rightly, his complaint was that we had not universal suffrage, and his contention that all men and women should have votes. If he were to make a proposition of that kind at any time, I think he would find less objection to it on this side of the House than on the other. He said there was no good reason whatever why the people

should take this matter in some form or other under their own control. What good, I believe he asked, could follow from it? Surely the hon. and gallant Member has had no experience of the value of the uses of responsibility. If the people were in some degree responsible for all that is obnoxious in connection with this trade, would they not be more careful and critical with regard to the manner in which the trade is carried on? I wish before I sit down to pay such tribute as I may to the services in the great cause of temperance which have been rendered by the hon. Member for Carlisle and those who co-operate with him. I think it a great and honourable and useful thing in all matters connected with the social well-being of the people that, as far as possible, an ideal should be lifted up before their eyes. There is not a loftier idea of virtue conceivable by many of the people than the idea of total abstinence. I honour that idea. It is never likely that the people will worship or follow ideals too readily. Ideals may be brought before them; and it is possible that the men who spend their lives in upholding these uncompromising ideals will do more than their fellows towards bringing about the time when we shall make some approach towards that blessed ideal of life when force shall be used always in concert with, and controlled by, reason, when strength shall be used for its most legitimate purpose—the protection and the welfare of the weak—to that blessed time when there shall be no complaining in our streets, and when our garners shall be full, yielding all manner of store.

LORD ELCHO congratulated the hon. Member who had just sat down upon the very healthy and welcome views he had enunciated with regard to the rights of property, views which could not be traced in the Bill introduced by Her Majesty's Government, which was in the course of its second reading, nor in the clause which had formed part of it, but which was now about to re-appear in shape of a new Bill. But he would not pursue that matter further. The hon. Member for Carlisle had suggested that he (Lord Elcho) had inherited the Parliamentary mantle of Mr. Wheelhouse, the late Member for Leeds. He laid claim to no such inheritance; and the only reason why he ventured to address the House for the first time on this subject was

that he had had the honour of being intrusted with a Petition for presentation against the Resolution by the Scottish Wine, Spirit, and Beer Trade Defence Association. Why it should have been intrusted to him he knew not. The hon. Member who last spoke seemed to think that everybody's chance of success at the late Election turned upon the question of Local Option. He could only say that during the Election it was not heard of in East Lothian; but he was not able to speak for Mid Lothian. He agreed to present the Petition because he heartily approved of its terms, and of the reasons why the Petitioners were opposed to the Resolution of the hon. Baronet. They were opposed to it because they objected to this transfer of the licensing power from what they called a judicial body to such an injudicial body, if he might so use the term, as a majority simply of the ratepayers. The Petitioners stated that those who now administered the licensing system exercised their power with judgment and fairness, and where they could they suppressed licences with the view, as far as they could, of making them proportioned to the number of inhabitants, and that if this system were departed from they would have an arbitrary and capricious system of constant agitation, constant voting, and the expenses of another Local Board. But it was not the publicans only who took that view. An Association which had existed for years for the suppression of intemperance were exactly of the same opinion, and he rather gathered from the Prime Minister that he favoured the view taken by that Association. The opinion of the Petitioners was that if this question was referred to the decision of a majority, it would be to infringe liberty and endanger property. He quite agreed with that. The last speaker had said he did not understand the Motion, and that it was indistinct. The Motion might be indistinct; but nothing could be clearer than the speech in which it was introduced. They were urged to vote for Local Option because it did not necessarily mean suppression, but only restriction. His hon. Friend, however, was too honest to stop there, and he added that he wished to suppress the liquor traffic altogether. In this free country it would be an intolerable state of things to establish that a majority of

the ratepayers—half the ratepayers of a district plus one—should lay down a law which would prevent the other half, minus one, who might be most temperate men, from being able to take a glass of beer or spirits in that district. Some years ago he had the pleasure of reading in an essay written by the present Postmaster General an expression of opinion strongly opposed to State intervention in matters such as were proposed to be dealt with by the hon. Member for Carlisle; and in the same article the writer stated that individual liberty had been “constantly subject to attacks from various phases of fanaticism.” Interesting information on this subject was also to be found in a small book called *Prohibitory Legislation in the United States*, recently published by Mr. Justin M’Carthy, who had visited the State of Maine with the view of studying the question, and he had come to the conclusion that “this legislation had not only failed, but had incidentally produced very serious mischief.” He (Lord Elcho) had a very nice gentleman as one of his constituents, a man unconvicted of any crime, who was not a Roman Catholic, who therefore did not necessarily fast; he believed he was a United Presbyterian or a Free Churchman—he doubted whether he was a member of the Established Church—and what did they think this gentleman had done? He had put himself on bread and water, and occasionally he indulged in the luxury of an apple. That was his sole subsistence, and he had never seen a more healthy man, or one who looked younger for his years. And why did he live in that way? Because he was convinced that all the ills to which flesh was heir came from eating meat, and they had almost half a convert to that system in the Home Secretary, who objected to their eating hares and rabbits. If this principle of Local Option was to prevail, what was to prevent hon. Members from coming to Parliament and moving a Local Option Resolution which would enable a majority of the ratepayers of any district to put the rest of the inhabitants of that district, every man, woman, and child, on bread and water, with an occasional apple? The principle was exactly the same, and he protested alike against the one and the other in the interest of liberty and freedom in this country. The property objection had been

Lord Elcho

gone into by the hon. Member for Salford (Mr. Arnold), and was also touched upon by the Prime Minister, who deprecated all idea of confiscation. The hon. Member for Carlisle was not so clear on the question of compensation and confiscation. He was much clearer on the question of suppression altogether. From his speech they might gather that he was opposed to compensation. The hon. Member looked upon every publican as such a criminal that he thought it his duty to take his property from him, and fine him in every farthing. But the Prime Minister had a different view. He was clear upon the question of compensation. Everything else was dark, but compensation was very clear. He recollected the “Ten Minutes Licensing Bill” of Mr. Bruce (now Lord Aberdare) in the Parliament before last, in which there was a clause which shook every man’s notions and feelings of security as regarded property, because it empowered either ratepayers or the State to forfeit every publican’s licence at the end of 10 years. If there was anything which turned out the Liberal Government of the right hon. Gentleman (Mr. Gladstone), and brought in the Conservatives, it was the shock which legislation such as that gave. [Laughter.] Yes; they might laugh. That was his honest conviction, for it was the climax to the harassing of interests. Every other interest was induced to fear for itself in consequence of the way in which it was proposed to deal with the Licensed Victuallers. He was inclined to think that the habit of harassing interests had grown so inveterate that the Government had found it stronger than themselves. They were at their old work again; and, if they did not take care, it would produce the old results. The Prime Minister declined to vote for Local Option. [Mr. Gladstone said, he voted for going into Committee of Supply.] He (Lord Elcho) was correct in stating that the right hon. Gentleman would not vote for the Local Option Resolution. He preferred the policy which was the favourite policy of his first Government upon the North West Frontier of India—a policy of masterly inactivity. He wished to hold a middle position. He did not consider it the duty of the Government to take up a position in advance, but *in media tutissimus* to follow a policy of masterly inactivity. That was not the policy for a

Government to pursue on a great question. It was their duty to endeavour to guide public opinion even at the risk of defeat; and, if they could not maintain a principle which they believed to be right, rather than yield to the stream, they should abide the consequences. That was his idea of the duty of a Government. It might be a wrong one; but, individually speaking, he would rather fall, taking such a view of the duties of Government, than stand up for any number of years for a policy of masterly inactivity. He believed this legislation was proposed at a time when it was not necessary. He heartily sympathized with every Member who desired by every possible means to repress intemperance. But the Resolution was introduced at a time when far from intemperance being on the increase there were many signs of improvement. About 50 years ago, when he was a boy, it was the custom in the hospitable North for the butler to allow four bottles for every private guest. [An Irish MEMBER: Four bottles of what?] Of wine. In his own family there was a china bowl around which his ancestors had sat for three days and three nights draining the whisky punch the bowl contained. He only mentioned these things to show what the state of matters was in the upper classes of society 100 years ago, and to show the improvement that had taken place since. On Whit Monday two years ago he visited the Alexandra Palace. The building was crowded, and yet up to 6 o'clock when he left he could swear that he had not seen a single drunken person. Of course, he did not vouch for what occurred afterwards. He believed the same could be said of the crowd at the Crystal Palace. A time when such an improvement was taking place in the habits of society was not a time to propose legislation of this kind—legislation which he held to be wrong in principle, as wrong as if a Member of that House were to bring in a Bill to prohibit the Queen's subjects from eating roast beef.

MR. CAINE: I have listened for two hours and three quarters to the debate in the hope of hearing a single argument against the Resolution of my hon. Friend; but beyond the fact that the noble Lord (Lord Elcho) went to the Alexandra Palace, when it was full inside and out, and that up to 6 o'clock on

a Whit Monday he saw no drunkenness, I have not heard anything against the Resolution. The noble Lord, however, did not tell us what occurred at the Alexandra Palace after the time at which he left. I can assure the noble Lord that if such a Bill as he has referred to were introduced, and it was shown that roast beef did as much harm to the community as it is abundantly proved is done by strong drink, I, for one, would cordially support a measure to prohibit its public sale. I am assensible of the rights of property as any man in this House; but, at the same time, I am equally as mindful of the rights and aspirations of the poor. This is essentially a working man's question. They are unable to get away from the evil influences of the public-houses that surround them. There is a district well known in Liverpool, comprising Addison and other streets and the courts off them. The death-rate in those streets was 45 per 1,000. I have had the frontage of them measured up, and the frontage of the private houses is 2,514 feet, whilst the frontage of the public-houses in those streets is 425 feet, so that the public-house frontage is a seventh of the whole. In the same year in which the death-rate was 45 per 1,000, the death rate in the district in which I resided was 11 per 1,000, and in that district there were no public-houses. The Corporation was naturally alarmed at such a death-rate, and sent for two scientific men, whose names are well known—Dr. Parkes and Dr. Sanderson—to investigate the condition of the town. This is what they said in regard to it—

“We found the landlord of a small public-house who had been for years in the district and knew the habits of the people who resided there, and he told us that for one man who did not drink, 50 took their share, they starved their wives and children, who had to beg for what they got. We examined a few cases, one of a tinsmith who earns 22s. a-week, and he said he drank a little, and then owned he drank very heavily. The wife told us that sometimes he brought home 8s., sometimes 12s., and sometimes drank it all, and she said she should be very happy and comfortable if she could have the whole of the 22s. a-week. They were living in a back room for which they paid 3s. 6d. a-week. In the front room of the same house, the rent of which was 2s. a-week, a man, his wife, his son and daughter lived. The man earned 24s. a-week, and spent it in drinking, and the wife drank all she could get.”

And so on instance after instance. But

there are other districts in Liverpool equally beset by public-houses. Hon. Members in this House very often speak about the welfare of the seamen, and let me tell them that within a few yards of the Sailors' Home, completely surrounding it, there are 47 liquor shops, and there are 99 within 200 yards of the Liverpool Exchange. In a single year in Liverpool, the year 1874, no less than 23,303 persons of both sexes were brought up before the magistrates charged with being drunk and disorderly. Now, the law states if any person permits drunkenness he shall be liable to a penalty not exceeding, for the first offence, £10, and for any subsequent offence not exceeding £20. I will not take up the time of the House by dilating on the evils that arise in society at large from 23,303 persons being found drunk in a single year in one town; but I will state that the number of publicans who were proceeded against in that year for permitting drunkenness were only three. Under the existing laws working men cannot get away from the public-house. There are trams, 'buses, and increased railway facilities now in nearly all our large towns, so that the working men are getting away from the centres of the towns; but the public-houses follow them. For some time the Bench of Magistrates at Liverpool refused to license more public-houses; but some way or other in time past they have licensed over 2,500 of them. When a district is formed and built upon in the suburbs of Liverpool the public-houses manage to get out to them, under the law of "removals;" and during the last 15 or 20 years I have collected a great number of such cases at the annual Licensing Sessions. Thomas Kidd, a publican, at the corner of Cecil Street and the Wavertree Road, applied at the annual Licensing Session for the removal of the licence from a house in town to this house in the suburbs. Mr. Picton, one of the magistrates, opposed the removal, and went into the witness-box and gave evidence. He stated that he had no personal interest in the matter; but there was an average of one public-house for every 30 yards already, and unless the whole neighbourhood were abandoned drunkards he did not see how it was possible for a landlord to get a living. The end of the matter was that the magistrates refused to remove

Mr. Cairns

the licence; but at the Licensing Sessions held six months afterwards the same application was renewed, and the decision previously given was reversed, and the hon. Member opposite (Mr. Whitley) voted with the majority for the granting of the transfer. That course of action has been pursued by the Liverpool Bench of Magistrates over and over again. I do not desire to impute any motives to those magistrates who act in this matter; the freaks of the licensing magistrates are so various that we should never be surprised at anything they do; but the fact is clear from this, that when working men desire to get out of the temptation that besets them, the public-houses follow them under the existing laws, and in consequence their failure is due to the Bench of Magistrates. I have no desire to take up the time of the House any longer. What we ask for by this Resolution is that, instead of the granting and renewing of public-houses being continued in the hands of the Bench of Magistrates, who are responsible only to the Home Secretary, it will be infinitely better that the whole question be relegated to the ratepayers themselves, and that they should have the power to protect themselves from the evils of the liquor traffic.

COLONEL BARNE said, he must congratulate the Prime Minister on the course he had taken in saying that he should not vote for the Motion of the hon. Baronet (Sir Wilfrid Lawson). No explanation had been given by the hon. Member for Carlisle of the manner in which he proposed that licences should be granted. Did he mean that licensing power was to be given to the majority of the ratepayers? The question was essentially one for the working man; and such being the case, he (Colonel Barne) maintained that a Parliament formed upon household suffrage would be much more capable of settling it than the present. In agricultural districts there were very few ratepayers in proportion to the number of inhabitants; in some instances only five or six in a population of 200 or 300. If, therefore, the licensing power were put into the hands of the ratepayers, a great injustice would be done to the labouring population. He opposed the Resolution on the ground that it was an interference with the liberty of the subject.

COLONEL BURNABY said, as a member of the body of 4,500 magistrates in the country, he denied that there was any truth in the statement that they had not faithfully discharged the duties committed to their trust in the matter of licensing. He maintained that the main body of his fellow-countrymen had implicit confidence in the integrity of the magistracy, and would sum up his remarks by saying—"Trust us in all, or not at all."

MR. WARTON, who rose amid loud cries of "Divide," expressed his opinion that the discussion on this important Motion, which might lead to momentous consequences, ought not to be cut short. The subject was worth a few hours, if not a longer time, for discussion. ["Divide!"] He could not understand the reason of those noises, which were beautiful in their variety, but which would not, in the slightest degree, change his determination to address the House. He stood there to give utterance, to the best of his ability, to what seemed to him to be worthy of consideration. The sooner the noises ceased, the sooner he should finish his speech. It was in the discretion of his hon. Friends opposite to prolong his remarks for an hour, or to allow them to come to a close in the course of 20 minutes. It had been said that no arguments of importance had been adduced against the Motion on that side of the House. ["Divide!"] If his hon. Friends opposite would allow him to be heard he would try to adduce some arguments against it. He complained of the interruption with which he was met, and expressed a hope that the Speaker would check it. ["Order!" "Chair!"]

MR. SPEAKER said, the hon. Member was addressing himself to other Members of the House, and not to the Chair.

MR. WARTON said, the noise had confused him. He humbly accepted the correction. Local Option meant an assumed right of the majority of a district to control the rights of the minority. There were many cases in which a minority ought to give way; but not in matters of personal conduct, of which each man was himself the best judge. The principle of Local Option involved an act of tyranny that was peculiarly characteristic of the Liberal Party, who were the friends of freedom in theory

rather than in practice. He protested against Local Option also on the ground that it was based on an ethical fallacy, and held that true morality permitted moderate indulgence without avowing distrust in a man's power of self-control.

Question put.

The House divided:—Ayes 203; Noes 229: Majority 26.

AYES.

Amherst, W. A. T.	Fairbairn, Sir A.
Bailey, Sir J. R.	Fawcett, rt. hon. H.
Baring, T. C.	Feilden, Major-General
Barttelot, Sir W. B.	R. J.
Bass, A.	Fellowes, W. H.
Bass, H.	Fenwick-Bisset, M.
Bateson, Sir T.	Filmer, Sir E.
Beach, rt. hon. Sir M. H.	Finch, G. H.
Beach, W. W. B.	Fitzpatrick, hn. B. E. B.
Bentinck, rt. hn. G. C.	Fitzwilliam, hn. W. J.
Beresford, G. De la P.	Fitzwilliam, hon. W.
Birkbeck, E.	Fletcher, Sir H.
Blackburne, Col. J. I.	Floyer, J.
Blennerhassett, Sir R.	Folkestone, Viscount
Brassey, H. A.	Forester, C. T. W.
Broadley, W. H. H.	Forster, Sir C.
Brodrick, hon. W. St.	Foster, W. H.
J. F.	Fowler, R. N.
Brooks, W. C.	Fremantle, hon. T. F.
Brymer, W. E.	Galway, Viscount
Burnaby, Col. E. S.	Gardner, R. Richard-
Buxton, Sir R. J.	son-
Carden, Sir R. W.	Garfit, T.
Carington, hon. R.	Garnier, J. C.
Cartwright, F.	Giffard, Sir H. S.
Cavendish, Lord F. C.	Gladstone, rt. hn. W. E.
Cecil, Lord E. H. B. G.	Goldney, Sir G.
Christie, W. L.	Grantham, W.
Churchill, Lord R.	Gregory, G. B.
Clive, Col. hon. G. W.	Grosvenor, Lord R.
Cobbold, T. C.	Gurdon, R. T.
Coddington, W.	Hall, A. W.
Colthurst, Col. D. la T.	Halsey, T. F.
Compton, F.	Hamilton, I. T.
Coope, O. E.	Hamilton, right hon.
Cotes, C. C.	Lord G.
Cotton, W. J. R.	Harcourt, E. W.
Crompton-Roberts, C.	Hartington, Marq. of
Cross, rt. hn. Sir R. A.	Harvey, Sir R. B.
Cubitt, right hon. G.	Helmsley, Viscount
Daly, J.	Herbert, hon. S.
Davenport, W. B.	Hicks, E.
Dawnay, Col. hn. L. P.	Hildyard, T. B. T.
Dawson, C.	Hinchingsbrook, Visc.
De Worms, Baron H.	Holland, Sir H. T.
Dickson, Major A. G.	Hope, rt. hn. A. J. B. B.
Digby, Col. hon. E.	Jackson, Sir H. M.
Douglas, A. Akers-	Jackson, W. L.
Duckham, T.	Johnson, E.
Dyott, Colonel R.	Johnstone, Sir F.
Egerton, Sir P. G.	Kennaway, Sir J. H.
Egerton, hon. W.	Kingscote, Col. R. N. F.
Elcho, Lord	Knightley, Sir R.
Emlyn, Viscount	Knowles, T.
Estcourt, G. S.	Lacon, Sir E. H. K.
Evans, T. W.	Lawrance, J. C.
Ewing, A. O.	Lawrence, Sir I.

Lawrence, W.
Leamy, E.
Lechmere, Sir E. A. H.
Lee, Major V.
Leigh, hon. G. H. C.
Leigh, R.
Leighton, S.
Lever, J. O.
Lewisham, Viscount
Loder, R.
Long, W. H.
Lyons, R. D.
Macdonald, A.
M'Garel-Hogg, Sir J.
Makins, Colonel
Manners, rt. hon. Lord J.
Mappin, F. T.
Maxwell, Sir H. E.
Miles, Sir P. J. W.
Mills, Sir C. H.
Monckton, F.
Moreton, Lord
Morgan, hon. F.
Moss, R.
Mowbray, rt. hon. Sir
J. R.
Mulholland, J.
Murray, C. J.
Musgrave, Sir R. C.
Newdegate, C. N.
Nicholson, W.
Nicholson, W. N.
Northcote, H. S.
O'Donoghue, The
Onslow, D.
O'Shaughnessy, R.
Paget, R. H.
Patrick, R. W. C.
Peek, Sir H.
Pell, A.
Pemberton, E. L.
Percy, Earl
Portman, hn. W. H. B.
Powell, W.
Power, R.
Price, Captain G. E.
Puleston, J. H.
Pulley, J.
Rankin, J.
Reid, R. T.

NOES.

Agar - Robartes, hon.
T. C.
Agnew, W.
Ainsworth, D.
Allen, H. G.
Allen, W. S.
Archdale, W. H.
Armitage, B.
Armitstead, G.
Arnold, A.
Ashley, hon. E. M.
Balfour, Sir G.
Balfour, J. S.
Barclay, J. W.
Baring, Viscount
Barran, J.
Barry, J.
Baxter, rt. hon. W. E.
Biddulph, M.
Biggar, J. G.

Birley, H.
Blake, J. A.
Blennerhassett, R. P.
Bolton, J. C.
Borlase, W. C.
Brand, H. R.
Brett, R. B.
Briggs, W. E.
Bright, J. (Manchester)
Bright, rt. hon. J.
Brinton, J.
Broadhurst, H.
Brocklehurst, W. C.
Brogden, A.
Brown, A. H.
Bruce, rt. hon. Lord C.
Bryce, J.
Burt, T.
Buxton, F. W.
Caine, W. S.

TELLERS.

Aylmer, Capt. J. F. E.
Barne, Col. F. St. J. N.

Cameron, C.
Campbell, Sir G.
Campbell, R. F. F.
Campbell - Bannerman,
H.
Carbutt, E. H.
Castlereagh, Viscount
Chadwick, D.
Chamberlain, rt. hn. J.
Chambers, Sir T.
Cheetham, J. F.
Chitty, J. W.
Clifford, C. C.
Close, M. C.
Cohen, A.
Collins, J.
Colman, J. J.
Corbett, W. J.
Corry, J. P.
Cowan, J.
Creyke, R.
Cunliffe, Sir R. A.
Currie, D.
Davey, H.
Davies, D.
Davies, R.
Davies, W.
De Ferrieres, Baron
Dilke, A. W.
Dilke, Sir C. W.
Dillwyn, L. L.
Dodds, J.
Duff, rt. hon. M. E. G.
Dundas, hon. J. C.
Egerton, Adm. hon. F.
Elliot, hon. A. R. D.
Ewart, W.
Farquharson, Dr. R.
Ffolkes, Sir W. H. B.
Firth, J. F. B.
Fitzwilliam, hon. C.
W. W.
Flower, C.
Foley, J. W.
Foljambe, C. G. S.
Forster, rt. hon. W. E.
Fort, R.
Fowler, H. H.
Fry, L.
Fry, T.
Gill, H. J.
Gladstone, W. H.
Glyn, hon. S. C.
Gordon, Sir A.
Gordon, Lord D.
Gourley, E. T.
Gower, hon. E. F. L.
Grafton, F. W.
Grant, A.
Grant, D.
Greer, T.
Grey, A. H. G.
Hamilton, J. G. C.
Harcourt, rt. hon. Sir
W. G. V. V.
Harrison, C.
Hastings, G. W.
Havelock-Allan, Sir H.
Hayter, Sir A. D.
Henderson, F.
Heneage, E.
Herschell, Sir F.
Hibbert, J. T.

Hill, Lord A. W.
Holland, S.
Hollond, J. R.
Holms, W.
Howard, E. S.
Hutchinson, J. D.
Illingworth, A.
Inderwick, F. A.
James, C.
James, W. H.
Jardine, R.
Jenkins, D. J.
Johnstone, Sir H.
Joicey, Colonel J.
Laing, S.
Lalor, R.
Lambton, hon. F. W.
Law, rt. hon. H.
Lawley, hon. B.
Laycock, R.
Lea, T.
Leake, R.
Leatham, E. A.
Leatham, W.
Leeman, J. J.
Lefevre, G. J. S.
Lewis, C. E.
Litton, E. F.
Lloyd, M.
Lusk, Sir A.
Mackie, R. B.
Mackintosh, C. F.
MacIver, P. S.
Macnaghten, E.
M'Arthur, A.
M'Clure, Sir T.
M'Coan, J. C.
M'Lagan, P.
M'Laren, D.
M'Minnies, J. G.
Maitland, W. F.
Marjoribanks, E.
Marriott, W. T.
Massey, rt. hon. W. N.
Maxwell, J. H. M.
Meldon, C. H.
Middleton, R. T.
Milbank, F. A.
Morgan, rt. hn. G. O.
Morley, A.
Morley, S.
Mundella, rt. hn. A. J.
Noel, E.
Norwood, C. M.
O'Connor, A.
O'Connor, D. M.
Palmer, C. M.
Palmer, G.
Palmer, J. H.
Parker, C. S.
Peddie, J. D.
Peel, A. W.
Pender, J.
Philips, R. N.
Playfair, rt. hon. L.
Potter, T. B.
Powell, W. R. H.
Power, J. O'C.
Price, Sir R. G.
Pugh, L. P.
Ramsay, Lord
Redmond, W. A.
Reed, Sir C.

Reed, E. J.	Thompson, T. C.
Rendel, S.	Tracy, hon. F. S. A.
Richard, H.	Hanbury-
Richardson, J. N.	Trevelyan, G. O.
Richardson, T.	Vivian, A. P.
Roberts, J.	Vivian, H. H.
Rogers, J. E. T.	Wallace, Sir R.
Russell, Lord A.	Waugh, E.
Rylands, P.	Webster, Dr. J.
St. Aubyn, Sir J.	Wedderburn, Sir D.
Samuelson, B.	Whitwell, J.
Sexton, T.	Whitworth, B.
Shield, H.	Williams, B. T.
Sinclair, Sir J. G. T.	Williams, S. C. E.
Slagg, J.	Williamson, S.
Smith, E.	Wills, W. H.
Stansfeld, rt. hon. J.	Willyams, E. W. B.
Stevenson, J. C.	Wilson, C. H.
Stewart, J.	Wilson, I.
Stewart, M. J.	Wilson, Sir M.
Stuart, H. V.	Wodehouse, E. R.
Sullivan, A. M.	Woodall, W.
Sullivan, T.	
Tavistock, Marq. of	TELLERS.
Tennant, C.	Lawson, Sir W.
Thomasson, J. P.	Mason, H.

Words added.

Main Question, as amended, put.

Resolved, That, inasmuch as the ancient and avowed object of Licensing the Sale of Intoxicating Liquors is to supply a supposed public want, without detriment to the public welfare, this House is of opinion that a legal power of restraining the issue or renewal of Licences should be placed in the hands of the persons most deeply interested and affected, namely, the inhabitants themselves, who are entitled to protection from the injurious consequences of the present system, by some efficient measure of local option.

MOTIONS.

DUNGANNON WRIT.

MOTION FOR NEW WRIT.

Motion made, and Question proposed,

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown (Ireland) to make out a new Writ for the electing of a Member to serve in this present Parliament for the Borough of Dungannon, in the room of Thomas Alexander Dickson, esquire, whose Election hath been determined to be void."—(*Lord Richard Grosvenor.*)

SIR GEORGE CAMPBELL said, he hoped that Her Majesty's Government would consent to postpone the issuing of this Writ for a few days, in the same way that the Writ at Evesham had been proposed. He was aware that there was this small difference—that in the Return

of the Judges in the Evesham case, there was a peculiar phrase used—

"That from the evidence before us, and to which we confined our attention, we have no reason to believe that extensive bribery and corruption prevailed in this case."

The Judges, however, did, in the present case, not say that they actually were satisfied that corruption had not prevailed, but merely that it was so on the evidence placed before them. He (Sir George Campbell) had been looking at two or three Election Returns, and the evidence given before the Judges; and it was perfectly clear that, in a great majority of cases, the Judges did not consider themselves bound to make any inquisition into the actual facts of the election, but only considered the evidence the parties chose to give. Now, it was notorious that, in the great majority of cases, the parties petitioning merely proved enough to serve their own purpose, and did not at all care to give evidence from which general bribery and corruption might be inferred. They were asked, in this case, to issue a new Writ without knowing whether or not extensive bribery and corruption prevailed. In illustration of the point he wished to make, he might allude to the Gravesend Election, where not only the two Parties abstained from giving evidence on the question whether general bribery had prevailed, but the Judges actually stopped parties who were going to give evidence, and declared that a sufficient case had been made out without going into the *minutiae* which one of the counsel had alluded to. On a suggestion of that kind coming from the Judge, the counsel for the Petitioner did stop his case, and was content not to adduce further evidence; but the displaced Member wanted to go on, and the Judges actually warned him that if he did so it would be at his own peril. He must draw attention to the very peculiar words, for instance, used by one of the Judges, when he remarked that that was not an inquisitorial tribunal sent there to make an absolutely exhaustive Report to the Speaker of the House of all the ramifications and details of election. They had it on the authority of one of the Judges themselves that they did not consider it necessary for them to go into all the details connected with each election. Then he

might again allude to another case, that of Bandon. There a Petition was presented and was abandoned. The Judges asked why it was, and then they reported that there was no evidence to show that the abandonment of the Petition was the result of a corrupt bargain; but it was perfectly notorious what the reason was for the abandonment of that Petition. The case was notoriously so bad, that the sitting Member could not defend his seat; and the bargain was that, on the Petition being withdrawn, he should apply for the Chiltern Hundreds. Surely that was conclusive evidence that the Judges did not consider it was necessary to inquire into the real facts of this election. He (Sir George Campbell) did not say, in the particular case of Dungannon, there had been extensive bribery; but they knew perfectly well that in point of numbers it was a rotten borough, and rotten in the extreme. The place only contained about 3,800 inhabitants, which was one-twentieth part of the average of the constituencies of England and Scotland; and, therefore, it was not a case in which there was any real necessity for the issue of a Writ immediately. He only asked to have time to examine the evidence returned by the Judges, in order that the House might see whether there had been such bribery or corruption as to make further inquiry desirable. He would move that the issue of the Writ be postponed for a week.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the issue of the Writ for the Borough of Dungannon be postponed for one week," — (Sir George Campbell,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) trusted the House would not accede to this request. He must, in the first place, protest against the position which the hon. Member (Sir George Campbell) had taken up in thus attacking and stigmatizing a borough of which he confessedly knew nothing. He must remind the House that every constituency had a right to return its Representative or

Sir George Campbell

Representatives to Parliament; and he trusted that no one would be permitted to deprive the electors of the borough of Dungannon of their legal rights. The hon. Gentleman actually wanted the issue of the Writ to be delayed for a week, until the shorthand notes and evidence should be printed; and, no doubt, if they were not ready by the end of the week which he now asked for, he would then seek to postpone the Writ for another week, until he was able to get those notes and consider the evidence, that evidence, be it remembered, which had already been considered by two Judges in Ireland, but which the hon. Member wished to see, in order to ascertain whether he might not find an excuse for differing with the Report of those Judges. They had reported that there was no corrupt practice proved on either side save this—that an agent of whom the sitting Member knew nothing, without his knowledge, gave a man a small sum of money to abstain from voting. [Sir GEORGE CAMPBELL said, there was nothing of that in the Judge's Report.] With great respect to the hon. Member, he could assure him that if he took the trouble of reading the certificate of the learned Judges he would find that they so stated. The result of the inquiry was that out of the whole borough one man was found to have taken a bribe without the sitting Member's knowledge, whilst the Judges certified that they had no reason to believe—and as they heard the evidence he (the Attorney General for Ireland) submitted they were quite as capable of considering it as the hon. Member—that corrupt practices extensively prevailed. The hon. Member wanted this Writ to be postponed for an indefinite period, and that, in the meantime, the electors should be deprived of their Constitutional rights. He (the Attorney General for Ireland) protested against the proposal, and trusted that it would not be accepted by the House.

Question put, and *agreed to*.

Main Question put, and *agreed to*.

Resolved, That Mr. Speaker do issue his Warrant to the Clerk of the Crown (Ireland) to make out a new Writ for the electing of a Member to serve in this present Parliament for the Borough of Dungannon, in the room of Thomas Alexander Dickson, esquire, whose Election hath been determined to be void.

EARLDOM OF MAR—THE RESOLUTION.—QUESTION.

THE MARQUESS OF HUNTLY: I wish to put to the noble and learned Lord on the Woolsack a Question of which I have given him private Notice. I wish to know, Whether any intimation had been made to the Lord Clerk Register, in accordance with the Resolution adopted by the House, relative to the Earl of Mar Peerage, on the 14th instant?

THE LORD CHANCELLOR: I believe no intimation has been made, and that none properly can be made, to the Lord Clerk Register with regard to this Resolution. The Resolution adopted by the House was—"It is incumbent on the House to rescind their Order of the 26th February, 1875." Before the House can rescind that Order there must be a Motion and a vote to do so. There has been no such vote passed; and if any noble Lord should propose one, I must assume that he would come prepared to recommend to the House the adoption of what he may consider a more proper form of Order to be substituted for that which has been made. The Order that was made was consequential on a judicial act of the House, founded on a Report of the Committee of Privileges; and if that is rescinded, beyond all question some other must be made. I hope that anyone who moves such Order will consider whether it shall be in a form which will put on the Union Roll of Scotland two Earldoms of Mar, or in a form which, leaving only one Earldom of Mar, will change its precedence, and whether there are not objections of the gravest character to either of those courses.

THE EARL OF GALLOWAY: My Lords, I gave Notice—a full fortnight's Notice—of my intention to move that the Order be rescinded, and that was fully debated on Monday last. I had originally put down "and it is hereby rescinded;" but I afterwards thought that would be rather offensive in form, and I considered that if the House adopted the Resolution saying that it was "incumbent on them to rescind the Order," that was virtually the same as saying they intended to rescind it; and, therefore, I still hold that the division that took place a week ago was, to all intents and purposes, a decision of the House that the Order should be rescinded. Of course,

after what has fallen from the noble and learned Lord on the Woolsack, all I can do is to give Notice that on the first available day I shall move that due effect be given to the Motion of Monday last, the 14th instant, which stands already officially recorded on the Journals of the House as having been resolved in the affirmative.

SOUTH AFRICA—DISARMAMENT OF THE BASUTOS.—QUESTION.

EARL CADOGAN wished to ask the noble Earl the Secretary of State for the Colonies a Question, of which he had given him private Notice—namely, Whether Her Majesty's Government had received an official confirmation of the telegram which appeared in *The Times* of that morning, stating that the Basuto Chief had agreed to the disarmament of the Tribes, and had offered to surrender his own arms; and, whether an order had been issued directing that all those having arms in their possession should surrender them after a certain extension of time?

THE EARL OF KIMBERLEY, in reply, said, that a confirmation of the telegram in *The Times* had been received at the Colonial Office. It was in these terms:—

"Sir B. Frere to Secretary of State.

"Received June 21, 1880.

"19th.—Letsea accepts decision of Her Majesty's Government regarding disarmament as final. Orders all his people to surrender arms; will surrender his own. Asks extension of time for voluntary surrender, which has been granted."

DOMESTIC SERVITUDE IN HONG KONG—THE CONTAGIOUS DISEASES ORDINANCE, 1867.—OBSERVATIONS.

LORD STANLEY OF ALDERLEY, in rising to call the attention of the House to the differences of opinion between the Attorney General and the Governor of Hong Kong, and between the Attorney General and the Chief Justice of Hong Kong, as to the purchase and detention of children and so-called domestic servitude in Hong Kong; and to the Report of the Commissioners appointed by the Governor of Hong Kong to inquire into the working of the Contagious Diseases Ordinance of 1867, said: In calling your Lordships' attention to this subject, I shall not have occasion to remark upon anything more unsavoury than the con-

WAYS AND MEANS.

Considered in Committee.

(In the Committee.)

Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending on the 31st day of March 1881, the sum of £4,925,320 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported upon *Monday* next;
Committee to sit again upon *Monday* next.

PUBLIC HEALTH (SCOTLAND) PROVISIONAL ORDER (BLANTYRE) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm a Provisional Order made under "The Public Health (Scotland) Act, 1867," relating to the parish of Blantyre, *ordered* to be brought in by Mr. ARTHUR PEEL and Secretary Sir WILLIAM HARCOURT.

Bill presented, and read the first time. [Bill 233.]

PUBLIC HEALTH (SCOTLAND) PROVISIONAL ORDER (LANARK) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm a Provisional Order made under "The Public Health (Scotland) Act, 1867," relating to the borough of Lanark, *ordered* to be brought in by Mr. ARTHUR PEEL and Secretary Sir WILLIAM HARCOURT.

Bill presented, and read the first time. [Bill 234.]

INCLOSURE PROVISIONAL ORDER (STEVEN-TON COMMON) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm the Provisional Order for the inclosure of certain lands known as the Common Fields, the Common Meadow Lands, the Cow Common, the Green, the Meres, Baulks, and other waste lands, situate in the parish of Steven-ton, in the county of Berks, in pursuance of a Report of the Inclosure Commissioners for England and Wales, *ordered* to be brought in by Mr. ARTHUR PEEL and Secretary Sir WILLIAM HARCOURT.

Bill presented, and read the first time. [Bill 235.]

INCLOSURE PROVISIONAL ORDER (LLAN-DEGLEY RHOS COMMON) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm the Provisional Order for the Inclosure of certain lands known as Llandegley Rhos Common, situate in the parish of Glasgwm, in the county of Radnor, in pursuance of a Report of the Inclosure Commissioners for England and Wales, *ordered* to be brought in by Mr. ARTHUR PEEL and Secretary Sir WILLIAM HARCOURT.

Bill presented, and read the first time. [Bill 236.]

INCLOSURE AND REGULATION PROVISIONAL ORDER (LIZARD COMMON) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm the Provisional Orders for the regulation of certain lands forming part of the Lizard

Common, and situated in the parish of Landewednack, in the county of Cornwall, and the Provisional Orders for the Inclosure of certain other lands forming the remainder of the said common, and situated in the same parish, in pursuance of a Report of the Inclosure Commissioners for England and Wales, *ordered* to be brought in by Mr. ARTHUR PEEL and Secretary Sir WILLIAM HARCOURT.

Bill presented, and read the first time. [Bill 237.]

INCLOSURE PROVISIONAL ORDER (HENDY BANK COMMON) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm the Provisional Order for the inclosure of certain lands known as Hendy Bank Common, situate in the parish of Cefullys, in the county of Radnor, in pursuance of a Report of the Inclosure Commissioners for England and Wales, *ordered* to be brought in by Mr. ARTHUR PEEL and Secretary Sir WILLIAM HARCOURT.

Bill presented, and read the first time. [Bill 238.]

LAW OF LIBEL.

Ordered, That the Select Committee be re-appointed to inquire into the Law of Newspaper Libel:—Mr. ATTORNEY GENERAL, Sir JOHN HOLKER, Mr. COURTNEY, Mr. STAVELEY HILL, Mr. ALEXANDER SULLIVAN, Baron HENRY DE WORMS, Mr. EDWARD LEATHAM, Mr. GREGORY, Mr. BLENNERHASSETT, Mr. FLOYER, Dr. CAMERON, Mr. RICHARD PAGET, Mr. ERRINGTON, Mr. MASTER, and Mr. HUTCHINSON:—Power to send for persons, papers, and records; Five to be the quorum.—(*Mr. Hutchinson.*)

House adjourned at a quarter after
One o'clock till Monday next.

HOUSE OF LORDS,

Monday, 21st June, 1880.

MINUTES.]—SELECT COMMITTEE—Highway Acts, *appointed*.

PUBLIC BILLS — *First Reading* — Great Seal* (90); Universities of Oxford and Cambridge (Limited Tenures)* (91); Universities and College Estates Act Amendment* (92); Drainage and Improvement of Lands (Ireland) Provisional Order (No. 2)* (93); Gas and Water Orders Confirmation* (94); Local Government Provisional Orders (Abingdon, &c.)* (95); Metropolitan Commons Supplemental* (96).

REPORTING.

Message from the Commons giving leave to Peter Stewart Macd liver, Esquire (a Member), to attend the Select Committee (pursuant to message of Tuesday last).

EARLDOM OF MAR—THE RESOLUTION.—QUESTION.

THE MARQUESS OF HUNTLY: I wish to put to the noble and learned Lord on the Woolsack a Question of which I have given him private Notice. I wish to know, Whether any intimation had been made to the Lord Clerk Register, in accordance with the Resolution adopted by the House, relative to the Earl of Mar Peerage, on the 14th instant?

THE LORD CHANCELLOR: I believe no intimation has been made, and that none properly can be made, to the Lord Clerk Register with regard to this Resolution. The Resolution adopted by the House was—"It is incumbent on the House to rescind their Order of the 26th February, 1875." Before the House can rescind that Order there must be a Motion and a vote to do so. There has been no such vote passed; and if any noble Lord should propose one, I must assume that he would come prepared to recommend to the House the adoption of what he may consider a more proper form of Order to be substituted for that which has been made. The Order that was made was consequential on a judicial act of the House, founded on a Report of the Committee of Privileges; and if that is rescinded, beyond all question some other must be made. I hope that anyone who moves such Order will consider whether it shall be in a form which will put on the Union Roll of Scotland two Earldoms of Mar, or in a form which, leaving only one Earldom of Mar, will change its precedence, and whether there are not objections of the gravest character to either of those courses.

THE EARL OF GALLOWAY: My Lords, I gave Notice—a full fortnight's Notice—of my intention to move that the Order be rescinded, and that was fully debated on Monday last. I had originally put down "and it is hereby rescinded;" but I afterwards thought that would be rather offensive in form, and I considered that if the House adopted the Resolution saying that it was "incumbent on them to rescind the Order," that was virtually the same as saying they intended to rescind it; and, therefore, I still hold that the division that took place a week ago was, to all intents and purposes, a decision of the House that the Order should be rescinded. Of course,

after what has fallen from the noble and learned Lord on the Woolsack, all I can do is to give Notice that on the first available day I shall move that due effect be given to the Motion of Monday last, the 14th instant, which stands already officially recorded on the Journals of the House as having been resolved in the affirmative.

SOUTH AFRICA—DISARMAMENT OF THE BASUTOS.—QUESTION.

EARL CADOGAN wished to ask the noble Earl the Secretary of State for the Colonies a Question, of which he had given him private Notice—namely, Whether Her Majesty's Government had received an official confirmation of the telegram which appeared in *The Times* of that morning, stating that the Basuto Chief had agreed to the disarmament of the Tribes, and had offered to surrender his own arms; and, whether an order had been issued directing that all those having arms in their possession should surrender them after a certain extension of time?

THE EARL OF KIMBERLEY, in reply, said, that a confirmation of the telegram in *The Times* had been received at the Colonial Office. It was in these terms:—

"Sir B. Frere to Secretary of State.

"Received June 21, 1880.

"19th.—Letsea accepts decision of Her Majesty's Government regarding disarmament as final. Orders all his people to surrender arms; will surrender his own. Asks extension of time for voluntary surrender, which has been granted."

DOMESTIC SERVITUDE IN HONG KONG—THE CONTAGIOUS DISEASES ORDINANCE, 1867.—OBSERVATIONS.

LORD STANLEY OF ALDERLEY, in rising to call the attention of the House to the differences of opinion between the Attorney General and the Governor of Hong Kong, and between the Attorney General and the Chief Justice of Hong Kong, as to the purchase and detention of children and so-called domestic servitude in Hong Kong; and to the Report of the Commissioners appointed by the Governor of Hong Kong to inquire into the working of the Contagious Diseases Ordinance of 1867, said: In calling your Lordships' attention to this subject, I shall not have occasion to remark upon anything more unsavoury than the con-

duct of some of the police and officials, of Hong Kong. I am going to confine myself to the treatment of the Chinese, and to complain of the conduct of some police officials, and I shall ask the Secretary of State to support the Report of Mr. Pope Hennessy's Commissioners. The Papers to which I ask attention are Reports of Commissioners appointed by the Governor of Hong Kong in November, 1877, to inquire into the working of the Contagious Diseases Ordinances. I am glad of this opportunity of testifying to the good service rendered in this matter by the Governor, Mr. Pope Hennessy, since the colonial newspapers have lately attacked him for disturbing that Colony; and if the other matters which he has disturbed, and for which he has been complained of, are like the abuses reported in these Papers, he is deserving of the highest praise. This Report has been laid before the other House on a Motion of Mr. Stansfeld. That right hon. Gentleman is the strongest opponent of the Acts in question; hitherto I have been in favour of them; but these Acts will become impossible if they are to be accompanied by the tyranny and official corruption set forth in this Report; a tyranny which has for its object to increase the Revenue, and not the sanitary objects which could alone justify the passing of these Acts and Ordinances. The Report states (p. 16) that it was shown—

“That revenue would be derived from the tainted sources of prostitution amongst the Chinese, while it had been decided not to enforce against the houses for the Chinese only those sanitary clauses of the Ordinance which formed its only *raison d'être*.”

This statement of the Report is confirmed by the large sum mentioned—\$111,149 profit—which has accrued to the Colonial Treasury from this source from 1857 to 1877. It is this raising of revenue, of licensing and of recognizing as a condition or profession, which is demoralizing, and which has made this system so hateful in France. When Vespasian replied to the remonstrances of his more scrupulous and sensitive son, *Non olet nummus* he referred to material, not to moral taint. The raising of revenue, moreover, always brings with it the use of informers and spies. These, again, are most hateful in France, and if resorted to in this country the

Acts would not be tolerated any longer. But at Hong Kong spies and informers have flourished beyond anything known elsewhere. Some of the Metropolitan Police have been drafted off to Hong Kong to assist in the pursuit of unfortunate women, and higher officials appear to have joined in the chase, as a pastime apparently. Such is the terror inspired by these informers that in 1877 two women in trying to escape from them fell over the roofs of their houses, and were killed outright. The inquest on them gave rise to this inquiry. In other years several women risked their lives by escaping through windows from the inspectors, and several were severely injured by falls. It is the practice of these informers to offer marked dollars to Chinese women, and if accepted to prosecute them; though the Report states that there is—

“Most serious suspicion whether the money was not placed by the informers where the inspector could find it, or that it was not given for the purposes subsequently deposed to.”

The Report also states that in 1861 the acting Registrar General personally acted as detective, and secured a conviction by means of a European constable. In the following year a woman was fined by the action, as informers and detectives, of the Inspector, a policeman, and the bailiff of the Supreme Court. This bailiff of the Supreme Court had received a diamond ring from this woman, so that he must have been guilty either of having received a bribe, or else, what is worse, of having betrayed a woman to whom he was indebted. It is not clear on what grounds the woman was fined, as the usual order of things was reversed in this case, as she had given instead of receiving the diamond ring, and the Report does not state in whose possession the diamond ring remained eventually, though it complains of the police for illegally depriving the women of money which had been given to them. Such is the haphazard way of proceeding of these informers, and so much do they invade, and break into private houses, that in 1872 and 1874 the Inspectors arrested three girls; subsequently it was proved conclusively that they were immaculate and innocent, and had never been otherwise; perhaps the police might set up the defence that they might have become otherwise later

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on. I would ask whether Inspectors Horton and Whitehead, who figured in these affairs, had belonged to the Metropolitan Police? The Report dwells at length on the great difference between the Chinese houses and those used by Europeans, and on the fact that the Chinese houses are not dealt with from a sanitary point of view, and it recommends that they should continue to be let alone, and therefore not be subjected to taxation. But, it is said, it is in the interest of philanthropy that these Chinese houses should be licensed, for the sake of protection of Chinese women and children. No such protection, however, has been afforded by the police, and the Attorney General refused to extend his protection, when it was required, and had been called for by the Governor of Hong Kong. A Chinaman, under stress of poverty, had sold his daughter, aged six years, to another Chinese, in October, 1877; in 1878 he claimed her back, having reason to fear that the purchaser was going to sell her and ship her away to another port. The father petitioned the Governor for the restoration of his child, the purchaser also petitioned him against being deprived of the child. The Governor called the attention of the Attorney General to what appeared to him to be an illegal transaction. The Attorney General denied that there was any illegality May 31. The Governor, June 19, 19 days later, desired the Attorney General to prosecute the purchaser of the girl on his behalf. This the Attorney General declined to do; after that there was more correspondence between the Governor and the Attorney General. A Chinese society for the protection of women and children was organized under the auspices of two police magistrates and Dr. Eitel, at the instigation of the Governor. Mr. Pope Hennessy has taken the right method of dealing with the Chinese, in instituting this society, and in asking for the co-operation of the leading Chinamen. The Spaniards in Manilla have found it answer very well to give some authority and a staff of office to Chinese headmen; and if this method were adopted at Singapore and Penang, similar good results would follow. Meantime, the Chief Justice (Sir John Smale) came into action and delivered a judgment from the Bench of the Supreme Court against the whole

practice of the Chinese of purchasing either male or female children, and stated that there were 10,000 slaves in Hong Kong; and that all slavery—domestic, agrarian, or for immoral purposes—comes within one and the same category. He also inflicted some very heavy sentences of 18 months with hard labour on two women for detaining a boy of 13. The Chief Justice also expressed his wish for the committal to trial, and for the opportunity of sentencing a druggist who had bought an orphan boy for \$17½, who had remained with him as his servant about 20 days. The Chinese Committee, members and leading merchants, then presented a Petition, which very ably stated all the facts of a subject which has been looked upon with such different eyes by the Attorney General and the Chief Justice, and Dr. Eitel made an equally able Report upon this Petition. Now, there can be little doubt that the Attorney General was wrong in his British law, and wrong in declining to carry out the Minute of the Governor. The Attorney General ought to air his *Habeas Corpus* more frequently; *Habeas Corpus* is often referred to in the Correspondence, and that instrument ought to have been used; in this case, in which the Governor called upon him to act, the purchaser of the girl was about to commit a breach of Chinese law and custom if he was going to send away the child from his house. Every Chinese woman or child in Hong Kong ought to be able to cling to the skirts of the Attorney General and find safety under British law. If that were so, and with the help of the Society instituted by Mr. Pope Hennessy, the degrading protection of the Licensing Ordinance, even if such protection existed, would be unnecessary. On the other hand, the Chief Justice, I regret to say, has rushed into wild exaggeration. If his judgment were to be carried out, he would be separating many married couples, and dissolving what are after all apprenticeships, which are beneficial to all parties. I have been authorized by responsible persons in the Chinese Embassy in London to state that the Chinese custom of purchasing children is most beneficial to humanity, and that it is the great check on infanticide, especially female infanticide. That which I heard at the Chinese Embassy is set out in the Petition of the

Chinese of Hong Kong, and in Dr. Eitel's Report. I must say that Hong Kong is to be congratulated on the possession of Dr. Eitel. I know nothing more of him than what I find in the official Papers. He is a man of enlarged mind, well acquainted with Chinese customs, and desirous of acting in harmony with them, and of improving them where possible; and I entreat the Secretary of State for the Colonies to give the utmost attention to his recommendations. The noble Lord concluded by moving for the production of the Correspondence and Papers.

THE EARL OF KIMBERLEY regretted that the Correspondence on the subjects referred to was not yet complete, and therefore could not be produced. The questions which the noble Lord had raised were questions of considerable interest and difficulty. It was the practice throughout China and in Hong Kong to purchase children for adoption. That was to say, children were adopted into a family, and a sum of money was paid on the occasion to the parents. The Chief Justice of Hong Kong had expressed himself very strongly against those practices; but he had done so extra-judicially. He said that both domestic servitude and the purchase of children for the purpose of adoption were contrary to the English laws against slavery and the Slave Trade. The Governor of the Colony took the matter into consideration, and required the Attorney General to institute a prosecution in a case where a father wished to get back an adopted child. The Attorney General, however, differed in opinion from both the Governor and the Chief Justice. Writing on May 1, 1878, he said—

"The transaction referred to could not be recognized by our law as giving any rights, except, perhaps, those of guardianship; but I am unable to say there is anything illegal in the matter. I do not think it is a criminal offence if it goes no further than the adoption of the child, and the payment of money."

The acting Attorney General had since given a similar opinion, and the point being one of great difficulty, he (the Earl of Kimberley) had written to the Governor, requesting him to communicate with the Chief Justice, and ask for the grounds of his opinion; but, as they had not yet been received, he was not prepared to state what course Her Majesty's Government would adopt. At

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the same time, he thought it right to say that if those institutions had existed from time immemorial among the Chinese, he thought Her Majesty's Government ought to be careful not to confound the institutions and practices of that people with our own. If they were told that those were institutions closely interwoven with Chinese life and habits, it might be difficult to interfere; but if there were at Hong Kong any practices which were contrary to our laws against slavery, those laws would be enforced. Their Lordships would see, however, that before taking any action in the matter it was necessary to ascertain what the facts really were. As to the other branch of the noble Lord's subject—that referring to the Report of the Commissioners appointed to inquire into the Ordinance of 1867—he was able to exonerate the police entirely. He could not enter into the details of the Report from the nature of the subject. There had, however, been some revolting practices arising from the employment of informers, which was now stopped. To prevent the kidnapping of girls an offer had been made by some Chinese gentlemen to form themselves into a society to put it down, and of this he entirely approved. The whole question would require the most careful consideration of the Government. He was not at present in a position to produce any further Papers on the subjects of his noble Friend's inquiry.

NAVY—THE BREAKWATER AT ALDERNEY.—QUESTION.

THE DUKE OF SOMERSET, in putting a Question to the Government on the condition of the breakwater in Alderney, stated that he understood the end of the breakwater had been washed away, and had created a dangerous shoal at the mouth of the harbour, on which some vessels had been wrecked. He did not ask the Government to repair the breakwater, or even to remove the shoal; but only to fix a buoy on the shoal, in order to warn vessels of the danger of the navigation.

THE EARL OF NORTHBROOK, in reply, said, that in January, 1879, a portion of the breakwater at Alderney gave way. Notice was given at once to mariners as to the danger caused by the breach, and inquiry was made whether

AGRICULTURAL HOLDINGS (IRELAND).

MOTION FOR A RETURN.

LORD VENTRY moved for a Return showing the number of Agricultural Holdings in each Poor Law Union scheduled under the Relief of Distress (Ireland) Act, 1880, valued at under £4; £4 and not exceeding £10; £10 and not exceeding £15; £15 and not exceeding £20. The noble Lord said, it was rumoured that legislation of a rather unprecedented character might shortly be proposed to their Lordships; and he believed that the contemplated measure would be limited to the Unions scheduled under the Relief of Distress (Ireland) Act, and would thus affect the occupiers of the holdings described in his Question. The Return, therefore, if made, would give the number of those likely to be so affected. He, however, with the assent of the Government, would extend it by including holdings exceeding £20 and not exceeding £50.

EARL SPENCER said, he had no objection to granting the Return in the amended form proposed by the noble Lord.

Motion, as amended, *agreed to*.

Return showing the number of Agricultural Holdings in each Poor Law Union scheduled under the Relief of Distress (Ireland) Act, 1880, valued at under £4; £4 and not exceeding £10; £10 and not exceeding £15; £15 and not exceeding £20; £20 and not exceeding £50.—*(The Lord Ventry.)*

Ordered to be laid before the House.

STATE OF IRELAND—THE IRISH SPRING ASSIZES.—QUESTION.

THE EARL OF LEITRIM asked the Lord President of the Council to name the seven counties in Ireland which the Judges of the Spring Assizes declared to be in a bad or exceedingly bad state.

EARL SPENCER said, he wished in regard to this Question to make an explanation. The noble Earl asked him to name the counties which the Judges had declared to be bad. It was quite true that in the reports which appeared upon the occasion referred to these words were put into his mouth, and he could not absolutely say whether he used them or not; but what he intended to say was

that he considered the Judges' Charges, which referred to the seven counties in question, declared them to be in a bad state. It was his opinion, and not that of the Judges. He had no objection to give the names of those counties which, in his opinion, were bad—namely, Cavan, Clare, Galway, Leitrim, Limerick, Mayo, and Sligo.

RELIEF OF DISTRESS (IRELAND.)

MOTION FOR A RETURN.

THE EARL OF LEITRIM moved for a Return of the number of unskilled labourers employed during the week ending the 12th of June by landlords or sanitary authorities, or on works undertaken by baronial sessions, in the scheduled districts in Ireland under the Relief of Distress (Ireland) Act, 1880. The noble Earl said the Motion would appear to be of an inquisitorial kind; but the most grossly erroneous statements had been made with regard to landlords in Ireland, not only upon this subject but upon every other. But these wicked and false statements had never before been supported by facts and figures. He alluded particularly to a resolution come to by what he considered a semi-official body—namely, the Dublin Mansion House Relief Committee, which resolution was forwarded to the Chief Secretary for Ireland. It referred to the number of men employed on the relief works started by the late and confirmed by the present Government, and stated that the net result of the borrowing of £1,500,000, out of which £250,000 had been issued, was that 15,000 men only were employed out of a starving population of 358,000. This was a most serious matter, because he frankly admitted that if that statement was true the action of the late Government was entirely mistaken in making advances in the first instance by an Order in Council, and, in the second place, coming to Parliament for authority to make advances. He very much feared that if that were the case it was equally wrong of the present Government to extend such a system of relief. But he believed that the statement was entirely calumnious, as were also certain statements that had been made in the other House of Parliament. He had only just received a telegram from a well-known gentleman in Ireland, who was only doing what many others

Local Government Board saw no objection to the proposal of the noble Earl, believing, as they did, that a great deal of valuable evidence would be collected by the Committee. The Acts in question were manifestly incomplete. He hoped that one result would be that some consolidating Act would be brought forward, and trusted that if their Lordships assented to the proposal of the noble Earl, he would give the Committee the benefit of his ability and knowledge in assisting at their deliberations. Since the passing of the former Acts, the highway and sanitary districts had been made coterminous; but the new system had not been in operation long enough to enable the Committee to make their inquiry complete this year; therefore, he would suggest that the labours of the Committee should be continued next Session, and then they would be able to learn how the Act of 1878 had worked, especially with respect to the financial burdens upon the ratepayers in different parts of the Kingdom.

Motion agreed to.

And, on July 2, the Lords following were named of the Committee:

Ld. Steward.	L. Strafford.
E. Hardwicke.	L. Leigh.
E. De La Warr.	L. Aberdare.
E. Fortescue.	L. Cottesloe.
V. Hardinge.	L. Norton.
L. Clinton.	L. Shute.
L. Meldrum.	

The Committee to appoint their own Chairman.

And, on July 9, E. Onslow *added*.

MARRIAGE WITH A DECEASED WIFE'S SISTER (NATAL).

QUESTION. OBSERVATIONS.

LORD BRABOURNE asked the Secretary of State for the Colonies, Whether a Bill legalising marriage with a deceased wife's sister, received in 1878 from the Colony of Natal, was or was not carried only by the Speaker's casting vote in the Legislature of that Colony, such having been the grounds stated by the then Secretary of State for the Colonies for declining to advise Her Majesty to sanction the measure; and whether a similar Bill has since been passed by the Legislature of Natal, and, if so, whether it has received the Royal Assent? The noble Lord explained that he had occasion to ask a

Question in 1878 in "another place" upon this subject, and was told by the late Secretary of State for the Colonies that the Bill was opposed by increasing minorities in the Natal Colony, and was only carried by the casting vote of the Speaker, and therefore he declined to advise Her Majesty to sanction the measure; but the information which Sir Michael Hicks-Beach received turned out to be incorrect. The Bill was, in fact, passed by considerable majorities, and he would now be glad to hear what course the Government would pursue.

EARL CADOGAN wished, before the Secretary of State for the Colonies replied to the Question, to explain that Sir Michael Hicks-Beach did state that the first Bill referred to was passed only by the casting vote of the Speaker, but subsequently learnt that that was an error, the fact being that it was carried by a majority of 6 or 7. The smallness of the majority was not the only reason for not advising Her Majesty to sanction the Bill, but also because it was felt that a different law of marriage ought not to be introduced in Natal from that which prevailed in the other South African Colonies before the question of Confederation was settled.

THE EARL OF KIMBERLEY observed, that his answer to the Question had been, in a great measure, anticipated by the noble Earl who had just sat down. The first Bill referred to in the Question was rejected on the ground stated by the noble Earl. A second Bill, which was carried by a majority of 14 to 4, had been in this country for a year, and unless action was taken with regard to it the Bill would lapse, as the former one had done. This was not an ordinary case. It had been determined not to object to the laws which had been passed for legalizing these marriages in some of the Colonies; but the question as regarded Natal was peculiar. The marriage law was one of the subjects specially reserved for the Federal Parliament in the event of Confederation; and, therefore, at the moment when Confederation was under discussion in South Africa, he did not think it desirable that this Natal Bill should be sanctioned. If Confederation should not be adopted or should be indefinitely postponed, the matter would have to be again taken into consideration.

Viscount Enfield

CRIME AND OUTRAGE (IRELAND)—

THE ATTACK ON MR. ACHESON.

QUESTION. OBSERVATIONS.

THE EARL OF LEITRIM asked Her Majesty's Government whether they intend to send down an additional force of constabulary to protect Mr. Acheson and his property; and, whether in such an event the expense will be charged upon the district? He (the Earl of Leitrim) had protested against the non-renewal of the Peace Preservation Act; but as it been allowed to expire, his only wish was that the Government might succeed, under the ordinary law, in preserving that order and peace which they in Ireland so much desired, but which, alas! they knew so little of. Electricity must daily and nightly convey to Her Majesty's Government the news of the continual outrages which were occurring in that country; and it must, he thought, make them doubt whether, after all, their scheme of dealing with the grave situation in Ireland was the right one. He could only imagine that when the Cabinet met in Council, and when that happy circle was complete, they must receive such severe shocks and starts as could only be figuratively, though not lightly, compared with the shocks and starts of a galvanic battery worked by Mr. Parnell. The case of Mr. Acheson was this. The late Mr. Acheson, in the spring of 1879, evicted a tenant of 2½ acres of land because he owed three years' rent. That was not a harsh or capricious proceeding. The late Mr. Acheson was succeeded in that property by his youngest son, who was about 21 years of age, and he proceeded to exercise his undoubted right to fence round the land. He was met by a party of men with blackened faces, fired upon, and obliged to retreat. On the second attempt, though guarded by 13 of the Royal Irish Constabulary, about 1,400 people gathered on the hills in the neighbourhood, apparently in response to gun signals, and swept down on the party. Mr. Acheson, having been hunted well-nigh to death, in self-defence turned upon his pursuers, and warned them that if they advanced he would fire. One of those people, more foolhardy than the rest, pursued that unfortunate young man, in spite of repeated warnings, when Mr. Acheson fired and the victim fell. He would not attempt to prejudge

that case; but it illustrated the unhappy state of that particular district. Their Lordships had had an assurance in the Queen's Speech that the Government would take such precautions as would give security to life and property in Ireland. He was confident that the Government had the best intentions in that matter; but he asked for a statement from them that would satisfy the House and the country that life and property would be secure, and that this persecution of landlords—he would call it by no other name—was not to be continued, and that they were not to be stoned like the Apostles of old in that cruel and ungrateful manner. He warned the Government that if, by weakness, they alienated the sympathies of the respectable, the good, and the true on the other side of the water, they would have so much fat in the fire that they would never again know what was a peaceable and loyal Ireland.

THE EARL OF LIMERICK wished, before the Lord President rose to answer that Question, also to inquire whether he had received information of a serious collision between a large number of Militiamen and the body of police who were protecting Mr. Acheson on his way from the court?

EARL SPENCER: I am unable to answer the Question put by the noble Earl who spoke last. I have had no Notice of his intention to ask it, and no facts have come to my knowledge on the subject. With regard to the Question of the noble Earl who spoke first, I have to say that it is the intention of the Government to give personal protection to Mr. Acheson and also to protect him in his property. It is believed that the ordinary county police will be sufficient for the purpose; but, if not, the Government will send a force from the Reserve, and a moiety of the expense will be charged on the district.

LORD HARLECH hoped the expense would be put on a restricted area so as to make it felt, and not on those parts of the district which were known to be orderly and loyal.

EARL SPENCER: I am sorry that I cannot answer my noble Friend on that point. No inquiry has been made as to the exact area of the district; but if the noble Lord wishes to have information in that form I will endeavour to obtain it.

of his class were doing, to say that he was this week employing 1,200 men, and last week 1,000. These works had been going on since last October, before the Government offered any loans at all. He knew that the noble Marquess opposite (the Marquess of Lansdowne), and the noble Earl (the Earl of Kenmare), and many others, had been employing workmen by hundreds during the distress. He himself had employed 845 men in Donegal, as well as some on a smaller estate in Leitrim. He had had to borrow the money and go into debt to carry out those works; and in one case, where 241 men were employed, he was assured beforehand that the work could never repay the outlay. Nevertheless, he had felt bound to carry it out, because the place swarmed with people like a beehive or a rabbit warren. It had been alleged in "another place" that although £250,000 had been granted in loans to landlords, little of that money had reached the people actually distressed; but he could say that in his own case, and in the case of other landlords who had been loyally supporting the efforts of the Government to deal with the sad state of affairs, they had been spending the money on works before they could really get the loans from the Board of Works; and he was sorry to see that the Government, having encouraged the landowners to incur these responsibilities, seemed now to be favouring legislation which would subject them to such inconveniences that they would never be able to meet their engagements.

Moved, That there be laid before this House, Return of the number of unskilled labourers employed during the week ending the 12th of June by landlords or sanitary authorities, or on works undertaken by baronial sessions, in the scheduled districts in Ireland under the Relief of Distress (Ireland) Act, 1880.—(*The Earl of Leitrim.*)

LORD ORANMORE AND BROWNE wished to point out that it was impossible at this time of the year to carry on any of these works, as all the able-bodied men were in England. Many drains would remain unfinished until after the harvest; and, therefore, it would be hard to require that payments made after July should bear a higher rate. He bore testimony to the conduct of Irish landlords in their endeavours to relieve the distress, many of them having spent three times the amount

The Earl of Leitrim

they had received from the Board of Works.

EARL SPENCER said, he was unable to follow the noble Earl in some of the observations which he had addressed to the House. He was not aware what passed at the Dublin Mansion House. It seemed that some statements were made there underrating the amount of work done by landlords in Ireland. He was not aware of what passed in the House of Commons on this subject. It was unusual to refer to the proceedings of the other House, and he felt the inconvenience at that moment of the references of the noble Earl. He was unable to answer the Question as to the higher rate after July; but he was glad to recognize the patriotism and public spirit of many noble Lords and others with regard to the present distress. Many landlords had expended very large sums on improvements in order to meet the distress; and he was sure everybody must appreciate the public spirit with which they were actuated. With regard to the Return asked for, he thought it would be difficult, almost impossible, for the Government to obtain the information referred to in the first part of that Return. How were the Government to obtain a Return from the landlords of the number of people employed by them? With regard to the other part of the Return, he was afraid also he must refuse it. At the present moment there was such a pressure on the Departments in Ireland that there was not any time to spare. The Chief Secretary to the Lord Lieutenant had ordered a Return to be prepared of the number of persons employed on the different kinds of relief works, and when that was obtained he thought his noble Friend's Question would be practically answered.

THE EARL OF LEITRIM, in withdrawing the Motion, said, his only object in placing it on the Paper was to call attention to the misstatements which had been made. He must be allowed to express his surprise that the noble Earl knew nothing of a semi-official document issued by the Mansion House Committee and forwarded to the Chief Secretary.

Motion (by leave of the House) withdrawn.

CRIME AND OUTRAGE (IRELAND)—
THE ATTACK ON MR. ACHESON.
QUESTION. OBSERVATIONS.

THE EARL OF LEITRIM asked Her Majesty's Government whether they intend to send down an additional force of constabulary to protect Mr. Acheson and his property; and, whether in such an event the expense will be charged upon the district? He (the Earl of Leitrim) had protested against the non-renewal of the Peace Preservation Act; but as it been allowed to expire, his only wish was that the Government might succeed, under the ordinary law, in preserving that order and peace which they in Ireland so much desired, but which, alas! they knew so little of. Electricity must daily and nightly convey to Her Majesty's Government the news of the continual outrages which were occurring in that country; and it must, he thought, make them doubt whether, after all, their scheme of dealing with the grave situation in Ireland was the right one. He could only imagine that when the Cabinet met in Council, and when that happy circle was complete, they must receive such severe shocks and starts as could only be figuratively, though not lightly, compared with the shocks and starts of a galvanic battery worked by Mr. Parnell. The case of Mr. Acheson was this. The late Mr. Acheson, in the spring of 1879, evicted a tenant of 2½ acres of land because he owed three years' rent. That was not a harsh or capricious proceeding. The late Mr. Acheson was succeeded in that property by his youngest son, who was about 21 years of age, and he proceeded to exercise his undoubted right to fence round the land. He was met by a party of men with blackened faces, fired upon, and obliged to retreat. On the second attempt, though guarded by 13 of the Royal Irish Constabulary, about 1,400 people gathered on the hills in the neighbourhood, apparently in response to gun signals, and swept down on the party. Mr. Acheson, having been hunted well-nigh to death, in self-defence turned upon his pursuers, and warned them that if they advanced he would fire. One of those people, more foolhardy than the rest, pursued that unfortunate young man, in spite of repeated warnings, when Mr. Acheson fired and the victim fell. He would not attempt to prejudge

that case; but it illustrated the unhappy state of that particular district. Their Lordships had had an assurance in the Queen's Speech that the Government would take such precautions as would give security to life and property in Ireland. He was confident that the Government had the best intentions in that matter; but he asked for a statement from them that would satisfy the House and the country that life and property would be secure, and that this persecution of landlords—he would call it by no other name—was not to be continued, and that they were not to be stoned like the Apostles of old in that cruel and ungrateful manner. He warned the Government that if, by weakness, they alienated the sympathies of the respectable, the good, and the true on the other side of the water, they would have so much fat in the fire that they would never again know what was a peaceable and loyal Ireland.

THE EARL OF LIMERICK wished, before the Lord President rose to answer that Question, also to inquire whether he had received information of a serious collision between a large number of Militiamen and the body of police who were protecting Mr. Acheson on his way from the court?

EARL SPENCER: I am unable to answer the Question put by the noble Earl who spoke last. I have had no Notice of his intention to ask it, and no facts have come to my knowledge on the subject. With regard to the Question of the noble Earl who spoke first, I have to say that it is the intention of the Government to give personal protection to Mr. Acheson and also to protect him in his property. It is believed that the ordinary county police will be sufficient for the purpose; but, if not, the Government will send a force from the Reserve, and a moiety of the expense will be charged on the district.

LORD HARLECH hoped the expense would be put on a restricted area so as to make it felt, and not on those parts of the district which were known to be orderly and loyal.

EARL SPENCER: I am sorry that I cannot answer my noble Friend on that point. No inquiry has been made as to the exact area of the district; but if the noble Lord wishes to have information in that form I will endeavour to obtain it.

GREAT SEAL BILL [H.L.] (NO. 90.) A Bill to amend the Law respecting the manner of passing Grants under the Great Seal, and respecting Officers connected therewith:

UNIVERSITIES OF OXFORD AND CAMBRIDGE (LIMITED TENURES) BILL [H.L.] (NO. 91.)

A Bill to authorise the extension and further limitation of the tenures of certain University and College emoluments limited or to be limited by orders of the Oxford and Cambridge Commissioners: And

UNIVERSITIES AND COLLEGE ESTATES ACT AMENDMENT BILL [H.L.] (NO. 92.) A

Bill to amend the Universities and College Estates Act, 1858:

Were *presented* by The LORD CHANCELLOR; read 1^a.

House adjourned at a quarter-past
Seven o'clock, till To-morrow,
Eleven o'clock.

HOUSE OF COMMONS,

Monday, 21st June, 1880.

MINUTES.]—WAYS AND MEANS—considered in Committee—Resolution [June 18] reported—£4,925,320, Consolidated Fund.

PUBLIC BILLS—Ordered—First Reading—Consolidated Fund (No. 1)*; Game and Trespass* [239]; Bank Holidays (Scotland)* [240].

Second Reading—Local Government (Ireland) Provisional Orders (Ballinasloe, &c.)* [220].

Select Committee—Bankruptcy Act Amendment* [163], nominated.

Committee—Spirits' [210]—R.P.; Wild Birds Protection Law Amendment [211]—R.P.

Withdrawn—Sale of Intoxicating Liquors on Sunday* [146].

CONTROVERTED ELECTIONS.

MR. SPEAKER informed the House, that he had received from Lord Chief Justice Coleridge and Mr. Justice Grove, two of the Judges selected, in pursuance of the Parliamentary Elections Act, 1868, for the trial of Election Petitions, a Report relating to the Election for the Borough of Stroud.

Court of Common Pleas, Westminster,
21st June 1880.

Sir,

We have the honour to report to you that the Petition against the Return for the Borough of Stroud has been withdrawn by leave of the Court. We have the honour further to report that the withdrawal of the Petition was not in

our opinion the result of any corrupt arrangement or in consideration of the withdrawal of any other Petition.

We have the honour to be,

Sir,

Your obedient humble servants,

COLERIDGE,

Lord Chief Justice of the Common Pleas.

W. R. GROVE,

Judge of the Common Pleas.

The Right Honble.

The Speaker, House of Commons, M.P.

And the said Report was ordered to be entered in the Journals of this House.

QUESTIONS.

THE LAND AND THE GAME LAWS— LEGISLATION.

MR. WAUGH asked the Secretary of State for the Home Department, Whether, having regard to the recommendations of a Select Committee of this House in the year 1851, and with a view to the simplification of the transfer of land and of the Game Laws, he will be prepared in this or the next Session of Parliament to bring in a Bill to abolish copyhold, customary, and other similar tenures in land, providing for compensation for the lords' rights therein. He further asked, Whether the right hon. Gentleman will be prepared to bring in a Bill to extinguish, with compensation, all rights of free chase and free warren, and other sporting rights over lands not the property of the owners of such rights, and to attach all rights of game and sporting to the ownership of the soil, and connect them therewith inseparably for the benefit of the landowner and his tenant; and, also, whether directions will be given to the Inclosure Commissioners for England and Wales, on all future inclosures, to disallow any reservation of game and rights of sporting over lands to be enclosed under the authority of the Commons Inclosure Acts?

SIR WILLIAM HARCOURT, in reply, said, that when the whole question of the transfer of land came under review the propriety of abolishing copyhold, customary, and other similar tenure land, and for providing compensation for the lords' rights would be considered; but he could not at present

fix the date when such a measure would be introduced. He had already expressed his opinion as to the mischief of severing the game rights both from the proprietorship and the occupation of the land, and in this case also he was unable to say when it would be possible to deal with the question. He had no power to direct the Inclosure Commissioners in future inclosures to disallow any reservation of game and rights of sporting over lands to be inclosed; but the Inclosure Commissioners informed him that they did not now sanction such reservation in regard to any land capable of being made arable. In certain cases they had allowed a concurrent right between the lords of the manor and the common right owners.

CRIMINAL LAW — SENTENCES FOR AGGRAVATED ASSAULTS.

MR. O'SULLIVAN asked the Secretary of State for the Home Department, If his attention has been drawn to several cases of aggravated assaults in the last year for which sentences of six months and under were awarded; and, if these cases were all tried under the same statute as the case of John O'Shea, of Limerick, who got five years' penal servitude last December for an assault on Lord Fermoy, although Lord Fermoy did not receive the slightest bodily harm?

SIR WILLIAM HARCOURT: Sir, in answer to the first part of the Question, I have to say that my attention has not been particularly called to several cases of aggravated assaults within the last year, where sentences of six months and under were awarded. I do not know whether the hon. Member refers to England or Ireland; but if he means English cases, they have not been brought under my notice; and if he means Irish cases, my attention would not, of course, be called to them. No criminal cases in Ireland come under the jurisdiction or consideration of the Home Office. Therefore, if the hon. Member thinks there are grounds for an application for the remission of the sentence in the case he refers to, that application should be made to the Irish Government, for the Home Office never considers the revision of sentences in respect of Irish cases.

PRISONS ACT—INSPECTION OF CONVICT PRISONS.

SIR HENRY HOLLAND asked the Chief Secretary to the Lord Lieutenant of Ireland, What steps, if any, have been taken to give effect to the strong recommendations of the Royal Commission on the Penal Servitude Acts: First, That there should be an independent inspection of convict prisons by persons appointed by the Government but unconnected with the Convict Prison Department and unpaid; and, Secondly, That the prison at Spike Island be discontinued?

MR. W. E. FORSTER: Sir, the discontinuance of the prison at Spike Island is under consideration, and I cannot, consequently, state what will be the decision of the Government with regard to the recommendations of the Commission. The late Government, I find, did not see their way to give effect to them. I agree very much, as far as I am able to go into the question, with the objects aimed at; but there are difficulties in finding a proper person to make the inspection. The English system, as my hon. Friend is doubtless aware, is to appoint a chairman or deputy-chairman of Quarter Sessions to the office; but in Ireland the chairmen of the Quarter Sessions are Crown officials and would not come under the description suggested by the Committee.

SIR HENRY HOLLAND: Sir, in consequence of the reply of the right hon. Gentleman, I beg to give Notice that on an early day I shall move for a Committee to inquire into the subject.

THE ROYAL PATRIOTIC FUND.

BARON HENRY DE WORMS asked the Secretary of State for War, Whether he will place upon the Table of the House the Reports of the two Committees appointed to inquire into the management and financial arrangements connected with the Royal Patriotic Fund Schools at Wandsworth, together with a Copy of the whole of the accounts of the Patriotic Fund, as recommended by the latter Committee?

MR. CHILDERS: Sir, in reply to the hon. Member, I have to state that the Reports of the Committees to which he refers have not yet come before me; but when they do, I will consider whether they can properly be laid on the Table.

BARON HENRY DE WORMS gave Notice that, in consequence of the right hon. Gentleman's reply, he would on an early day move for the appointment of a Committee to inquire into the whole question of the Patriotic Fund.

NEW STREETS (METROPOLIS).

MR. GREGORY asked the honourable Baronet the Member for Truro, What progress has been made by the Metropolitan Board of Works in the construction of the new streets from Charing Cross to Tottenham Court Road, and the Regent Circus to New Oxford Street respectively, or in the acquisition of the property required for the same; and, whether there are any and what special reasons for the delay which has already taken place or any obstacles in the way of proceeding with communications which are so much needed between the north and south of the Metropolis?

SIR JAMES M'GAREL HOGG: Sir, in reply to the Question of the hon. Member, I beg to inform him that the progress of the two improvements referred to has been delayed in consequence of the difficulty of dealing with the property occupied by the labouring classes; but, where not so occupied, a considerable amount of property has been acquired for the street from Piccadilly to New Oxford Street. By the terms of the Act of Parliament, not more than 15 houses occupied by persons of the labouring class can be removed until sufficient accommodation in suitable dwellings has been acquired elsewhere for the numbers displaced. Consequently, if the Board proceeded to acquire property so occupied, possession could not be taken until the requisite accommodation had been provided. I may add that, although under the Act the Board has power to acquire sites by agreement, it has no authority to erect labourers' dwellings, and building companies or societies have evinced no alacrity to take lands for such a purpose. Perhaps the House will allow me to mention that 12 street improvements were included in the Act of 1877, of which two—namely, those at Mare Street, Hackney, and the Angel, Islington have been completed; eight others are in a more or less advanced stage, and, in several cases, including that of Coventry Street widening, the Board

anticipates that the ground will be cleared before the end of the summer.

WEIGHTS AND MEASURES ACT— STANDARD WEIGHTS.

MR. H. FOWLER asked the President of the Board of Trade, Whether, having regard to the great inconvenience caused to the iron trade by the highest standard weight now legalised being 56 pounds, he would cause a new denomination of standard weight equal to 112 pounds, or one hundredweight, to be made and duly verified, in accordance with the provisions of the Weights and Measures Act, 1878?

MR. CHAMBERLAIN: Sir, there is a great objection to multiplying legal standards, owing to the cost thereby thrown upon local authorities, who have to obtain copies, and there would also be some inconvenience in having another standard of so nearly the same weight as the cental. In these circumstances the Board of Trade would not, I think, be justified in legalizing a weight of 112 pounds unless there was a general demand for it. At present there has been no such demand, there having been but one application during the last 12 months.

POOR LAW (IRELAND)—WORKHOUSE CHAPLAINS.

MAJOR O'BEIRNE asked the Chief Secretary to the Lord Lieutenant of Ireland, If the Local Government Board have directed their attention to a Return of the salaries paid and allowances of every kind made to chaplains in workhouses in Ireland, from which Return it appears that the greatest inequality exists in the salaries paid to the Roman Catholic and Protestant chaplains respectively, to the undue advantage of Protestant chaplains, having regard to the number of paupers of each religious denomination and the amount of work performed by their respective chaplains; and, has the Local Government Board any intention of recommending Poor Law guardians to adopt some other method, either by a capitation grant or otherwise, that will remunerate more equitably chaplains of workhouses?

MR. W. E. FORSTER: Sir, the Local Government Board have sent in

the Return to which the hon. and gallant Member refers, and I am sorry to say I have not been able to give it as much consideration as I could wish. The principle on which the chaplains should be paid was laid down in the Eighth Order of the Poor Law Commissioners in 1842, and I found that since that there have been alterations; but I believe entirely in the increase of appointments of Catholic chaplains and not the decrease of Protestant chaplains. I do not know whether further cases of reduction are required or not, but I will inquire if it be so. With regard to the payment by capitation grant, I must remind my hon. and gallant Friend that if a service has to be performed it takes as much time to perform it for a small number as for a large one.

MR. A. M. SULLIVAN asked the President of the Local Government Board, Whether he has as yet been able to give attention to the state of facts revealed by the Returns laid before the late Parliament on the subject of Protestant Chaplains in Irish Workhouses and Catholic Chaplains in English Workhouses; and, whether he intends to take any and what steps to remedy the striking contrasts thereby disclosed?

MR. DODSON: Sir, I have not had time to examine the details given in the Report in question. The hon. and learned Member, however, is undoubtedly aware that there is no power in the Guardians in England to appoint Roman Catholic chaplains in workhouses. I may add that in several cases in which there have been considerable numbers of Roman Catholic paupers in a workhouse, and the Guardians have been willing to appoint and pay a Roman Catholic priest to give religious instruction, the Department has readily assented to the arrangement.

MR. A. M. SULLIVAN asked the right hon. Gentleman, Whether he will consider the advisability of assimilating the law in this respect in England to that which prevails in Ireland, where the Local Government Board has power to compel the appointment of chaplains for the paupers, irrespective of their religion?

MR. DODSON: I would ask the hon. and learned Gentleman to give me time to examine the Report.

SOUTH AFRICA—THE CAPE COLONY— ADMISSION TO CETEWAYO.

SIR. DAVID WEDDERBURN asked the Under Secretary of State for the Colonies, Whether it was the fact that, down to the most recent dates from the Cape, the Zulu King has not been permitted to see his personal friends, who understand his language, and could learn from him what he may have to say on his own behalf; and whether, in particular, permission to visit Cetewayo has been refused by Sir Bartle Frere to the sons of Bishop Colenso on two separate occasions; and, whether he can state the reasons for refusing such permission, and will lay upon the Table of the House any Correspondence, telegraphic or other, which has recently taken place between the Colonial Office and the South African authorities as to the treatment of the imprisoned chiefs Cetewayo and Langalibalele?

MR. GRANT DUFF: Sir, in reply to my hon. Friend's first Question, I have to state that I cannot answer generally with respect to Cetewayo's personal friends, because I have not the information to enable me to do so; but it is perfectly true that permission was refused—and Her Majesty's Government think, unfortunately, refused—to two members of Bishop Colenso's family who wished to see Cetewayo. With regard to that matter the Secretary of State has telegraphed out to the Cape to say that they think the reasons given were not sufficient for not allowing Bishop Colenso's sons to see Cetewayo, and that they desire that in future all persons who wish to have access to the King should be admitted, unless it should be considered distinctly unsafe. With reference to the last part of the Question, I have to say that there will be no objection to laying the Correspondence on the Table as soon as it is completed. At present it is very imperfect, and we know that an exceedingly important despatch is on its way to us.

SIR HENRY TYLER: Perhaps the right hon. Gentleman will add to his answer by telling us what is the number of wives allowed to Cetewayo?

PEACE PRESERVATION (IRELAND) ACT —FINES FOR OUTRAGES.

MR. O'KELLY asked the Chief Secretary to the Lord Lieutenant of Ireland,

Whether it is a fact that a fine of one hundred and fifty pounds sterling was laid, under the Peace Preservation (Ireland) Act, on the parish of Kidglass, in the county of Roscommon, in consequence of an assault; whether one hundred pounds of said fine were levied on the townland of Lavagh, in the parish of Kidglass, and whether that sum constitutes a tax of seven shillings and sixpence in the pound on the total valuation of said townland; whether it is a fact that ninety per cent. of the tenantry on the townland of Lavagh are in such distress that they are in receipt of relief from the Stokestown board of guardians and local relief committees; and, whether Her Majesty's Government, in view of the distressed condition of the tenantry on the townland of Lavagh, will take steps to prevent the enforcement of this fine under the operation of a Law they have not thought proper to renew?

MR. W. E. FORSTER: Sir, I find on inquiry it is the fact that a fine of £150 was laid by the Grand Jury of Roscommon on this parish for an offence committed by some persons unknown. It is also a fact that £100 was ordered to be levied on the townland of Lavagh. That amount is equivalent to a tax of 3s. 8½d. in the pound half-yearly. I have reason to believe there are 21 families in the townland of Lavagh, all of whom, with the exception of four, are in receipt of relief, and of these four one was looking for it. The Government, though they have not thought fit to renew the Peace Preservation Act, cannot remit a fine legally inflicted; but that Act has not been renewed, partly on account of the hardship caused by the payment of fines in poor districts.

THE SASINE OFFICE, EDINBURGH.

SIR HERBERT MAXWELL asked the Secretary of State for the Home Department, When the scheme by the Treasury for the readjustment of the salaries of the commissioned clerks in the Sasine Office, Edinburgh, will be ready to come into operation; and what is the reason of the delay?

SIR WILLIAM HARCOURT: Sir, I have communicated with the Lord Advocate upon the subject, and he informs me that since the present Government came into Office the consideration of the departmental arrangements of the Re-

gister House has only been delayed until the new Deputy Clerk Register, appointed in April last, has had time to acquaint himself with the various questions involved, and to give the Government the benefit of his advice. Two gentlemen have been appointed from the Treasury and Home Office respectively to confer with the Deputy Clerk Register with a view to the immediate settlement of the question.

ARMY—INDIA—INDIAN SERVICE PENSIONS.

MR. SCHREIBER asked the Secretary of State for India, Whether he proposes to assimilate the pensions of officers, especially field officers, of the Indian Staff Corps to those enjoyed by officers formerly in the Indian Service, but now in the Royal Artillery and Royal Engineers and in the new Line regiments of Infantry and Cavalry?

THE MARQUESS OF HARTINGTON, in reply, said, that as far as he was able to ascertain there never had been any proposal to assimilate the pensions mentioned in the Question of the hon. Member, and there was no present intention of doing so. If the hon. Member referred to any other case which had not come under his notice, he would be glad if he would communicate with him again.

INDIA—FINANCES, &c., OF INDIA

MR. COURTNEY asked the First Lord of the Treasury, Whether it is intended to require, from the Indian Government, the repayment, during the current financial year, of the quota of the sum of two millions advanced in 1879 upon condition of repayment in seven annual instalments?

MR. GLADSTONE: Sir, this inquiry raises part of a very important question which Her Majesty's Government will have to consider. I believe I am correct in saying that the remission of the payment can only be effected by an Act of Parliament, which, of course, will bring the matter under the consideration of the House.

ARMY—RESERVE OF OFFICERS—WARRANT OF 6TH JULY, 1879.

SIR JOSEPH BAILEY asked the Secretary of State for War, What steps he intends to take to give effect to the Royal Warrant of the 6th July 1879,

Mr. O'Kelly

with regard to the Reserve of Officers; and how many have applied and are qualified to be appointed to the same?

MR. CHILDERS: Sir, in reply, to the hon. Member, I have to state that 251 officers who have retired from the Regular or Indian military forces otherwise than on pension or gratuity, and officers of Militia, Yeomanry, and Volunteers who have applied for appointment to the Reserve of Officers and who are eligible in all respects, will shortly be gazetted to commissions in that Force; and 246 officers who, on account of their having retired from the Service on pension or gratuity, are liable for further service up to a certain age if called upon, will be included in the Reserve of Officers, but will not receive any fresh commissions. The total number of officers at present noted and found eligible for appointment to the Reserve of Officers is, therefore, about 500.

TREATY OF BERLIN—ARTICLES IX., XXXIII., XLII. — THE OTTOMAN DEBT.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether any arrangements have been made, under the provisions of Articles IX. XXXIII. and XLII. of the Treaty of Berlin, for the proportionate parts of the Ottoman Debt to be assumed by the Principalities of Bulgaria, Montenegro, and Servia; and, whether, in view of the annexation of Ottoman territory to Greece, the Conference now sitting at Berlin will take into consideration the assumption of any part of the Ottoman Debt by the Kingdom of Greece?

SIR CHARLES W. DILKE: Sir, the arrangements contemplated in Articles IX., XXXIII., and XLII. of the Treaty of Berlin, have not yet been made. In the case of Bulgaria the amount of the tribute is to be fixed at the close of the first year of the working of the new Administration. This period will expire next month. In the case of Montenegro the Frontiers have not yet been settled. With regard to Servia nothing has been done. With regard to Greece, the duties of the Conference are restricted to the consideration of the Frontier question. The question to which the hon. Member calls attention would be a matter for subsequent arrangement in the preparation of any Treaty or other public

act for carrying out the results of the Conference.

INDIA—THE ATTOCK BRIDGE.

MR. ONSLOW asked the Under Secretary of State for India, If he can state what firms have been employed to make the ironwork for the bridge across the River Attock; if any of these firms were employed in a similar capacity for the ironwork on the Tay Bridge; and, what precautions are taken to insure that the ironwork for the Attock Bridge is, as far as can be ascertained, without flaw?

THE MARQUESS OF HARTINGTON: Sir, the firms employed to make the ironwork for the Attock Bridge are as follows:—For the girders—steel and wrought iron—Messrs. Westwood, Bailie, and Co., of London; for the piers—wrought iron—Messrs. Handyside and Co., of Derby. These firms were not, it is believed, in any way concerned in supplying ironwork for the Tay Bridge. All the materials of which the Attock bridgework is constructed are carefully tested, in accordance with a strict specification based on the most recent experience, by Government Inspectors. The bridge is being made of steel and wrought iron. No cast iron is employed.

TREATY OF BERLIN—ALBANIA.

MR. LABOUCHERE asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government, before joining in any general action on the part of the European Powers to enforce, either diplomatically or otherwise, the cession of certain districts of Albania to Montenegro, will take steps to learn whether the Albanian inhabitants of the districts which it is proposed to cede are in favour of the cession?

SIR CHARLES W. DILKE: Sir, in reply to the hon. Member, I do not think I can add anything to the answer given on Friday by the First Lord of the Treasury to the hon. Member for Newcastle (Mr. J. Cowen). Her Majesty's Government are engaged in negotiations with foreign Powers to further the fulfilment of the conditions of the Treaty of Berlin. While these negotiations continue it is not desirable to publish specific declarations. But it is the de-

sire of Her Majesty's Government to carry out the spirit of that Treaty with the least amount of interference with the wishes of the inhabitants of the districts which may thereby be affected.

PETTY SESSIONS CLERKS (IRELAND).

MR. FINIGAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that the magistrates assembled in Quarter Sessions held in Downpatrick, County Down, on April 1st, appointed as clerk of the Petty Sessions of Holwood and Bangor an avowed member of an Orange Lodge; whether a memorial was forwarded to the Lord Lieutenant, praying him not to confirm such appointment on the ground that it would destroy confidence in the local administration of justice; whether the Lord Lieutenant has declined to interfere, and, if so, on what grounds; and, whether the Government will not review the appointment in the interests of peace and order in this district?

MR. W. E. FORSTER: Sir, I find on inquiry that a person was appointed clerk of the Petty Sessions district of Holywood and Bangor, and a question as to whether he was an Orangeman or not appears to have been brought before the Court, and the reply was that he had not attended an Orange meeting as alleged, but a meeting in connection with an election in which he had acted as a paid clerk, under the direction of the chairman of the meeting. It was also stated that the fact was not established by any documents laid before the Government that this gentleman was an Orangeman. The Lord Lieutenant, I believe, was asked not to confirm this appointment, and he declined to interfere, on the ground that the election of clerk of Petty Sessions rested with the Justices, and that unless there was some legal disqualification, the Lord Lieutenant never refused his sanction. The Irish Government has no power—or, at any rate, it is a question whether it has any power—to review the appointment. I can only say I hope most heartily the magistrates at Petty Sessions in Ireland will not appoint avowed Orangemen or avowed partizans of any kind, and will make their appointments as free from political bias as possible.

Sir Charles W. Dilke

INDIA—OPIUM TRADE IN BRITISH BURMAH.

MR. MARK STEWART asked the Secretary of State for India, Whether he has received Copies of a Petition presented by the Natives of British Burma to the Chief Commissioner, praying for the closing of the licensed opium shops, and of other documents relating to this subject, which are now under consideration of the Local Government of Burma; and whether he will print them and present them to Parliament?

THE MARQUESS OF HARTINGTON: Sir, no copy of the Petition said to have been presented to the Chief Commissioner has been received, and no reference to such Petition can be traced in the proceedings of the Administration of British Burmah or of the Government of India. In the annual Revenue Report for British Burmah just received, I find that two Commissioners, of Aracan and of Pegu, refer to the great and injurious increase in the consumption of opium, and say that both the officials and the people themselves demand measures to check it. It appears, therefore, that the subject is receiving attention.

ARMY—VOLUNTEER ADMINISTRATIVE BATTALIONS.

MR. FORESTER asked the Secretary of State for India, Whether, looking at the fact that every administrative battalion of Volunteers has now been consolidated, and that the present Acts and Regulations refer almost entirely to administrative battalions, the Government intend to take any, and, if so, what steps to remodel the existing Acts and Regulations so as to adapt them to the new system?

MR. CHILDERS: Sir, in reply to the hon. Member, I have to state that the consolidation of the Volunteer Force is not quite completed; but when it is, the revision of the Volunteer Regulations will be at once taken up. The preliminary steps have been already taken.

THE PARKS—METROPOLIS—HYDE PARK.

MR. HOPWOOD asked the First Commissioner of Works, Whether his attention has been called to the arrest and prosecution of a delinquent aged

exact nature of proceedings and decisions at the War Office, which, except those of the last few days, occurred before I became Secretary of State; but the main facts of the case are these. For some time past there have been great dissensions in the 4th East York Artillery Volunteers, which culminated in 1878 in a decision of my right hon. Predecessor, on a dispute between Colonel Humphrey and his adjutant, that the latter should be called upon to resign, and the former informed that the Secretary of State regretted that he could not consider it for the interest of the corps that he should be permitted to retain the command. On an appeal, my Predecessor decided in June, 1878, that Colonel Humphrey's resignation need not be enforced if a qualified adjutant were willing to accept that position under him; but that, if any further adverse report was received, his removal would be carried out. In May, 1879, a Court of Inquiry was assembled, on charges brought by Lieutenant Colonel Saner and three other officers against Colonel Humphrey. The Court reported that the charges were either unsupported or frivolous. On this, my Predecessor decided that Lieutenant Colonel Saner and the three officers should resign, and that Colonel Humphrey should be informed that it was desirable that he should withdraw from the command agreeably with the intention which he (Colonel Humphrey) had already expressed. Against this decision Colonel Saner appealed in September, 1879, and my Predecessor appears to have given long and serious attention to the question, and in January last decided that Colonel Saner's resignation might be held over till the 20th of March, in order that he might retain his rank, and that Colonel Humphrey must resign on the 31st of March. This decision my Predecessor expressly decided was irreversible. Colonel Humphrey, however, was allowed, by a decision arrived at before I took Office, to remain in command until the end of July; and, on an appeal to me some weeks ago, it was decided that the order for Colonel Humphrey's resignation could not be reversed. On Wednesday last it appears that a meeting of the corps was held in plain clothes, at which Colonel Humphrey notified his resignation, as well as that of Lord Londesborough, the Honorary Colonel

of that corps and of the Hull Rifle Battalion, upon which the majority of the officers and nearly all the men withdrew from the corps. On the report of these proceedings reaching General Willis, who commands the Northern District, he instructed Colonel Collington, the District Inspector of Artillery Auxiliary Forces, to proceed to Hull and ascertain such facts as he could without delay. Colonel Collington examined the adjutant and three other officers, and I have to-day seen General Willis, who brought up Colonel Collington's Report. After perusing it, the Commander-in-Chief decided, with my approval, to send down at once General Elkington, the Deputy Adjutant General for Auxiliary Forces at the War Office, to assist General Willis in instituting a full inquiry on the spot into the proceedings of the 16th instant; and, meanwhile, the resignations of the 12 officers, their proceedings being *prima facie* insubordinate, have been refused and returned to them. On receiving General Willis and General Elkington's Report, it will be submitted to Her Majesty with the recommendations of the Commander-in-Chief.

IMPUTATIONS ON A MEMBER OF THIS HOUSE — GLOUCESTER ELECTION PETITION—(JUDGES' REPORT).

MR. MONK asked the noble Lord the Member for Woodstock, to state to the House, Why he deferred for a whole week the Motion of which he gave Notice on Thursday last, "to call the attention of the House to the grave imputations upon a Member of this House?"

LORD RANDOLPH CHURCHILL, in reply, said, that he fixed the Question for a week after the day on which he gave Notice of it, because it occurred to him that the matter to which the Notice referred might be considered of a delicate and complicated nature, and that the hon. Member might wish to have a few days to collect the materials which he desired to submit to the House. Having given public Notice that he would bring the Question on upon a certain day, it was not in his power to alter the day for an earlier period. If he came down to the House and insisted on bringing on at once a Question of this kind, the hon. Member would have serious cause of complaint. In these circumstances, he would take that oppor-

Mr. Childers

tunity of asking Mr. Speaker whether, as the Motion partook of the nature of a Privilege question, it would take precedence of the Orders of the Day?

MR. SPEAKER: The noble Lord the Member for Woodstock consulted me last week whether the Question which he has put on the Paper could be entertained as a question of Privilege. Since then I have had an opportunity of causing a search to be made for precedents, and I find that in some instances questions of this kind have been taken as questions of Privilege, and have had precedence. But I find that more frequently such questions have been dealt with as ordinary Motions. But it will on examination be found that, whenever such questions have been treated as Privilege, urgency has been of the essence of the Motion. I cannot say that this Motion now under consideration is of that urgent character that it should take precedence as Privilege.

LORD RANDOLPH CHURCHILL wished to ask the Prime Minister, Whether, in view of the inconvenience of such a Motion remaining over, it would be in his power to allow it to take precedence of the Orders of the Day on Friday?

MR. MONK asked, Whether he might be allowed to appeal to his hon. Friends to allow this to be taken as an unopposed Motion?

MR. GLADSTONE said, he was glad to hear that the terms of this Motion would be so arranged as to contain no words in any way reflecting on the character of his hon. Friend the Member for Gloucester (Mr. Monk). He believed the proposal made by his hon. Friend distinctly met the case; for when both the noble Lord and the hon. Member were in favour of taking it as an unopposed Motion, it might be taken as in no way disturbing the order of Business.

COMPENSATION FOR DISTURBANCE (IRELAND) BILL.

SIR HERVEY BRUCE, who had given Notice of a Question on this subject, wished to state that copies of the Bill had not been delivered on Saturday as promised. Something in the shape of a Bill, but without the name of any sponsor on the back, had been delivered; but there was nothing from which he could suppose that it was a Government

Bill. It seemed rather a Bill of some irresponsible private Member. He begged to ask the Chief Secretary of the Lord Lieutenant of Ireland, Whether he intends, during the operation of the measure which he proposes, to introduce on the same principle as the Clause which he put on the Paper for insertion into the Relief of Distress (Ireland) Bill, any Clause protecting landlords affected thereby from the penalties of foreclosure of any mortgage by reason of non-payment of interest, or from any other local consequences which might result from their inability to pay charges on their estates so long as the rent remains unpaid?

MR. W. E. FORSTER: Sir, I am sorry the Bill has not been circulated, as I fully expected, on Saturday morning, and as I had received assurances that it would be. It was, however, circulated on the afternoon of Saturday. The Question the hon. Baronet asks relates, not to what the Bill will be, but what will be done during the operation of the measure. I must most respectfully decline to answer this Question, and also the three Questions which stand in the names of the hon. Member for Portarlington (Mr. Fitzpatrick), the hon. Member for Leitrim (Mr. Tottenham), and the noble Lord the Member for Woodstock (Lord Randolph Churchill). I wish to show the utmost courtesy with regard to Questions; I never declined to answer one before, and I should not do so now if I did not think I was consulting the general convenience and interest of the House in this course. I understand the object of Questions is to gain information, and to know facts with regard to administration and the intentions of the Government. Those hon. Members are perfectly aware of the intentions of the Government, which were declared in the clause for which this Bill is a substitution. They have also been informed by the Bill that was sent round. Every one of these Questions is really an argumentative Question, and would require a speech in reply to each. I am perfectly ready to answer arguments in discussion on the Bill, which I hope will be taken to-morrow; but I think I should be unduly taking up the time of the House, and establishing a precedent which would be inconvenient, if I replied now.

THE NEW LAW COURTS—VENTILATION, &c.

SIR JOHN HOLKER asked the First Commissioner of Works, Whether any plans for ventilating and warming the new Law Courts have as yet been definitely adopted; and, if so, whether he would give orders that such plans be placed in the Library of the House for the inspection of those Members who may wish to see them?

MR. ADAM: Sir, plans for the ventilation and warming of the new Law Courts have been adopted. These plans can be seen at the architect's office. They are very voluminous, and there is only one copy. Tenders are now being invited for carrying out the work, and, pending the acceptance of any of these tenders, it would be manifestly inconvenient that copies of the plans should be placed in the Library for general inspection.

TURKEY—THE TURKISH PARLIAMENT.

SIR BALDWIN LEIGHTON asked the First Lord of the Treasury, Whether the re-assembling of the Turkish Parliament forms any part of the policy of Her Majesty's Ministers in Turkey, seeing that all reference to such a course is absent from the instructions sent by the Foreign Secretary to the Special Ambassador at Constantinople as lately laid upon the Table of the House?

MR. GLADSTONE: Sir, in answer to the Question of my hon. Friend, I have to say that I am afraid he has not been quite so careful and accurate in the perusal of the Papers as, no doubt, he usually is. At page 12 of the Papers (Turkey, No. 7) the question of the assembling of the Turkish Parliament, or the constitution of the Turkish Parliament is referred to.

AFGHANISTAN—ABDUR RAHMAN.

SIR BALDWIN LEIGHTON asked the Secretary of State for India, Whether it is true, as reported, that Abdur Rahman is accompanied in Afghanistan by a Russian official?

THE MARQUESS OF HARTINGTON: Sir, the first telegram, in March, stated that Abdur Rahman was accompanied by two Russian officers, but that information has never been confirmed since.

So far as we know, there is no reason to suppose that any Russian accompanies Abdur Rahman.

DISTRESS (IRELAND)—RELIEF TO IRISH LANDLORDS.

MR. BROMLEY DAVENPORT asked the First Lord of the Treasury, as the Government have announced their intention of bringing in a Bill by which, in the distressed districts of Ireland, tenants unable to pay their rents are to be entitled to claim compensation from the landlords to whom their rent is due, Whether he will extend the principle so that landlords residing in the same districts who are unable to pay their local and imperial taxes, Tithe Rent-charges, &c. may, in consequence of this inability, become entitled to compensation out of the Consolidated Fund, Irish Church surplus, or from any other source?

MR. GLADSTONE: I am a little sorry that the hon Gentleman has thought it necessary to put this Question after the reply just given by my right hon. Friend the Chief Secretary for Ireland. Without troubling the House by entering into any details, I must say that, for the reasons stated by my right hon. Friend, I must ask the hon. Gentleman to be so kind and courteous as to excuse my answering the Question.

PARLIAMENTARY ELECTIONS — CIRCULAR OF THE LIBERAL CENTRAL OFFICE — TRAVELLING EXPENSES OF OUTVOTERS.

BARON HENRY DE WORMS asked Mr. Attorney General, Whether the statement of the circular of the Liberal Central Office that the payment of travelling expenses of outvoters for boroughs would subject the person making such payment to a penalty of forty shillings is a correct statement of the Law; and, if not, what would be the consequence to the person making such payment of his illegal act?

THE ATTORNEY GENERAL (SIR HENRY JAMES): Sir, the Question assumes that the circular contained a certain statement in relation to the law. My information of the contents of the circular is derived from newspaper reports. But assuming that the facts are as stated in the Question of the hon. Member, then the statement of law is correct.

PETTY SESSIONS CLERKS' SALARIES.

MR. DAWSON asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that the salaries of petty sessions clerks in Ireland vary according to the amount of fines imposed, thereby giving these officials a direct interest in the number of convictions, and, whether, if so, he will bring in a measure to assimilate their mode of payment to that in force in England, where the justices' clerks are paid a fixed salary independent of the number or amount of fines?

MR. W. E. FORSTER: Sir, I have asked for the information, and I have not yet received it, and I must ask the hon. Member to postpone his Question.

PIERS AND HARBOURS (IRELAND)—
HOWTH HARBOUR.

MR. DAWSON (for Mr. GRAY) asked the Secretary to the Treasury, Whether the attention of the Irish Board of Works has been directed to the neglected condition of the Harbour of Howth, and the great inconvenience and loss suffered by the fishermen owing to its not being sufficiently dredged; what is the average amount of the tolls levied for the use of the Harbour and the average amount expended on dredging and maintenance; and, whether steps will be taken to make the Harbour more available for the large fishing population using it?

LORD FREDERICK CAVENDISH: Sir, the attention of the Irish Board of Works has been recently drawn to the state of Howth Harbour, and their engineer was sent to report as to its present condition. The Harbour is very much exposed to the danger of being silted up; but I am informed that the effectual dredging carried on in the years subsequent to the passing of the Act 26 & 27 Vict. c. 72, for the improvement of the Harbour, has proved sufficient up to the present time for the safe accommodation of the large fleet of fishing vessels—Cornish, Manx, Scotch, and Irish—which frequent it. The average amount of dues received during the last seven years has been £507 7s. 11d., and the average amount of money expended during the same period has been £2,152 6s. As soon as the costly works of repair which are now being carried

out are completed, which will be soon, it is intended to consider whether a renewal of the dredging will be necessary for the better accommodation of the fishing-boats, which appear to be of a deeper draught than was the case formerly.

DISTRESS (IRELAND)—MAPS, &c., OF
THE RELIEF WORKS IN IRELAND.

MAJOR NOLAN (for Mr. MITCHELL HENRY) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he will lay upon the Table of the House a Copy of the ordnance map showing the relief works authorised by the Government in the county of Galway up to the 16th June, together with a Return of the number and estimated cost of the works presented for at the Special Sessions in each of the baronies of Ballynahinch, Moycullen, and Ross; and, a Return of a number of these works passed by the Board of Works, but subsequently rejected by the Local Government Board, together with their estimated cost, and showing also the works allowed by the Government and actually in progress, with the number of men employed?

MR. W. E. FORSTER: Sir, If the hon. and gallant Member will move for a Return I will agree to it. At the same time, I must state that the Local Government Board and the Board of Works have duties in Ireland which it is necessary they should perform for the health and the safety of the people. The getting out of a Return must necessarily take up much time, and to some extent distract the officials from their real work. Hon. Members should be sure that Returns are necessary before they press for them.

NAVY—FLOGGING IN THE NAVY,

CAPTAIN PRICE asked the Secretary to the Admiralty, Whether Lord Northbrook's professional advisers had recommended that the punishment of flogging should be retained in the Navy for the offence of mutiny with violence, or in any other case?

MR. SHAW LEFEVRE: Sir, Lord Northbrook's professional advisers have not recommended that flogging in the Navy should be retained for the offence referred to or in any other case.

NAVY—DEATH OF COMMANDER
BRUCE.

CAPTAIN PRICE asked the Secretary to the Admiralty, Whether the Admiralty have taken any steps to inquire into the causes of the late Commander Bruce's death; and whether they are satisfied that it was by no means attributable to the neglect of the Coast Guard?

MR. SHAW LEFEVRE: Sir, the Admiralty have taken steps to inquire into the cause of the sad occurrence in question, and they are satisfied that no negligence can be imputed to the Coast Guard.

IRISH LAND ACT, 1870—THE ROYAL
COMMISSION.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Royal Commission about to be appointed to inquire into the working of the Irish Land Act of 1870 will be instructed to report in time to enable the Government to bring in a Bill next Session on the tenure of land in Ireland?

LORD ELCHO asked, Whether the names of the Commissioners and the instructions given to them would be laid on the Table?

MR. W. E. FORSTER: Sir, the noble Lord, from his long experience in this House, ought to be aware that Notice is generally given of such a Question as he has put. With regard to the Question of the hon. Member for Sligo, I have to say that a Commission will be instructed to report as soon as possible. I trust that the Report will be made before next Session; but, of course, it will be impossible to dictate to a Commission the time which it ought to take for its Inquiry. That must depend, to some measure, upon what the Commission find to inquire into; but I wish the House to be aware that one great object which the Government have in appointing this Commission is to get not only a full put a speedy Report.

LORD ELCHO begged to apologize to his right hon. Friend for having put the Question without Notice. He had, however, thought that, under the circumstances, the Question was one which would not require a Notice, for the Government must already have made up

its mind in regard to the matter; but he would repeat it. Connected with the same subject, he desired to ask a Question as to the Business for Tuesday. There were two Bills down on the Paper—namely, the Compensation for Disturbance (Ireland) Bill, and the Tenant Act, 1870, Amendment Bill. The first was that which they now understood to be the Government Bill, and which was down for the second reading; and the other was that of the hon. Member for Mayo (Mr. O'Connor Power), the debate on the second reading of which had been adjourned. It was his impression, and the impression of many other hon. Members, that the day had been given for the adjourned debate, and he thought that it was not customary under such circumstances to put another Bill down first. He wished, therefore, to ask the Government, Whether they would take first the adjourned discussion on the Bill of the hon. Member for Mayo, or whether they would go on with their own Bill, which stood first on the Paper; and whether there was any understanding between the Government and the hon. Member for Mayo on the subject?

MR. W. E. FORSTER: Sir, no understanding has been come to with the hon. Member for Mayo, or with any hon. Member from Ireland, in regard to this Bill; but both myself and my right hon. Friend would wish that course to be taken which is most convenient to the House, and I have no doubt that all hon. Members will have the same wish. It is quite true that several days ago, on this question being brought forward by the hon. Member for Mayo, my right hon. Friend consented—though at considerable inconvenience to other Government Business—to the discussion on the Bill being postponed until to-morrow. I brought in a Bill on Friday night, and fixed it for to-morrow. But I found the next morning, without having said anything to the Officers of the House, that it being a Government Bill, it took precedence of that of the hon. Member for Mayo. Well, now, I cannot help thinking that, as this is a matter of great importance, it will be for the convenience of the House that I should be allowed to explain at the beginning of the debate the position which we take, and the ground on which we bring forward the Bill. Though I have no understanding

with the hon. Member for Mayo, I rather hope that he will not object to this course being taken, and if that hon. Member raises no objection I do not suppose the noble Lord will.

DISTRESS (IRELAND)—FAMINE FEVER IN MAYO.

MR. A. M. SULLIVAN: I wish to ask the right hon. Gentleman, Whether the Government have received in London any confirmation of the serious news from Ireland which I see reported in *The Evening Standard* in reference to the outbreak of famine fever in Ireland? It is contained in a report from the hon. secretary of the Charleston, county Mayo, Relief Committee, and he says—

“The famine fever (and a most dangerous type) is now very prevalent, and making such progress that I fear there will not be ere long a village in all the parish free from it. Of course the destitute were the first to be visited by this awful disease; but, like death itself, it respects no persons, and very shortly makes its unwelcome visit to the well-to-do and independent. I have seen three pass by me this week to the workhouse from the little village in which I reside. Only the week before I saw the widow borne to the grave from her orphans, and only the wall separates me from the room where the wife of a respected member of our committee lies dangerously ill.”

I should like to ask the right hon. Gentleman, Whether, having the experience of 1847 before him, he has any information on this sad subject?

MR. W. E. FORSTER: Sir, I am glad that my hon. and learned Friend has asked the Question. On seeing in *The Daily News* this morning the account which my hon. and learned Friend has read from *The Evening Standard*, I immediately telegraphed to the Local Government Board directing them to take immediate steps, and to send a medical inspector. I have no information so recent as that which has been referred to by the hon. and learned Member; but I have received a communication from the Mansion House Committee this morning on a different subject, but which contained no allusion to the fever. I am quite clear that there must be some fact behind it, though I hope it will turn out that it has been somewhat exaggerated. Without casting any reproach on anybody in reference to this statement, it is, I think, but natural that it should have been exaggerated. A few days ago I heard of fever in this

district, and I have reason to believe that it was originated in the workhouse; but I cannot give the House positive facts with regard to it. My hon. and learned Friend is quite right in assuming that when I hear of fever in a distressed district I regard it as a subject of considerable alarm; but it is not proved to me that this is famine fever. I am sorry to say that, a few days ago, I found it necessary to dissolve the Board of Guardians of a Union, they being unable to contend with the distress. The Local Government Board have since appointed fresh Guardians, and I have both telegraphed and written that every attention should be paid, and that if it is a matter of money to save the life the money must be expended.

MR. O'CONNOR POWER: I would like to ask the right hon. Gentleman, Whether he would send instructions to the Inspector who will be sent down by the Local Government Board to extend his inquiries to the Union of Swineford, because in that Union it is reported that cases of fever have arisen from insufficiency of food? I wish also to state, with the indulgence of the House, that in a parish near Castlebar, deaths have occurred within the last week or 10 days from the same cause.

MR. W. E. FORSTER: The Inspector will be directed to inquire into all those districts, especially that of Swineford, and one or two neighbouring districts.

MR. PARNELL gave Notice that, in consequence of the failure of the Swineford Board of Guardians to perform the duties imposed on it, and the present emergency in Ireland, and the probable failure of other Boards of Guardians in similar circumstances, he should tomorrow ask for leave to bring in a Bill allocating £100,000 from the Irish Church Surplus Fund for the immediate relief of the distress in Ireland, and constituting a body for the administration of that Fund.

WAYS AND MEANS—LICENCE DUTIES.

In reply to Sir HERVEY BRUCE,

MR. GLADSTONE said, that, for the purpose of charging the duty according to the proposed new scale of Licence Duties, the value of a house and its appurtenances would be ascertained in the same way as at present under the pro-

visions of the General Excise Licensing Act, the 6 Geo. IV. c. 81, s. 5. If that method of charging were unsatisfactory, and the hon. Member would be kind enough to let him know in what particulars, he would consider them with care.

MOTION.

MR. BRADLAUGH.—RESOLUTION.

MR. LABOUCHERE, in rising to move—

“That Mr. Bradlaugh, Member for the borough of Northampton, be admitted to make an Affirmation or Declaration, instead of the Oath required by Law,”

said: It will be in the recollection of the House that shortly after you, Sir, first took your seat in that Chair, at the commencement of the Session, Mr. Bradlaugh, having been duly elected a Member for the borough of Northampton, came forward to the Table and asked to be allowed to affirm his allegiance instead of taking the Oath of Allegiance. You, Sir, then came to the conclusion that you were not prepared to decide this important question, and you, therefore, referred it to the House. The House referred it to a Committee, and that Committee reported that Mr. Bradlaugh could not make an Affirmation. That Report was laid on the Table, but no action was taken upon it. It was not discussed, and the House neither accepted nor rejected it. Upon this, Mr. Bradlaugh, being anxious to know whether the alternative of taking the Oath was open to him, again came to the Table. On that occasion the hon. Gentleman the Member for Portsmouth (Sir H. Drummond Wolff) rose, and, as a question of Privilege, protested against Mr. Bradlaugh being allowed to take the Oath. Again, after considerable discussion, the matter was referred to a Committee. That Committee decided that Mr. Bradlaugh could not take the Oath of Allegiance; but it appended to this a recommendation advising the House that it would be desirable to allow him to affirm. Mr. Bradlaugh, therefore, is in this position. Should the House act upon the finding of the first Committee and not allow him to affirm, and act upon the finding of the second Committee so far as not to allow him to

take the Oath, he would be unable to take his seat. Thus, the House will be brought into conflict with a constituency of some importance. [“No!”] I really do not understand why an hon. Member opposite should cry “No!” It surely is enough to attack one of the Members of the constituency without attacking the constituency itself. I repeat that the constituency is of some importance, and I will go further, and say of great importance; and this most important constituency would be partially disfranchised, and would have only one Representative instead of two accorded to it by the Constitution in this House. Now, I think it is an open question whether the second Committee was right in coming to the conclusion that Mr. Bradlaugh ought not to be allowed to take the Oath. I say this, not upon my own opinion, but because there are many constitutional authorities who hold that the House has absolutely no right to interfere with a Member when he comes up to take the Oath of Allegiance. I believe there is only one precedent of a like character, and that precedent is from the time of Queen Elizabeth. In the reign of Queen Elizabeth barristers who practised were not allowed to sit for counties. Lord Chancellor Bacon, then Attorney General, was returned for a county, and came to take the Oath which Gentlemen had to take before taking their seats. This was objected to on the ground that he was a practising barrister, and on that occasion the House of Commons came to this decision—“Their oath their own consciences, not we, to examine.” I think that is a precedent which goes to allow any Gentleman to take the Oath, and acts as an impediment to the House inquiring into the religious or other motives or feelings which actuate him in taking that Oath. But I do not wish to contest this question, because I am perfectly aware that there is a strong feeling in this House that it would be in a certain measure indecorous to allow a Gentleman who had stated that the most sacred words of the Oath are an unmeaning form to come to the Table and to repeat them. I, to a great extent, agree with hon. Gentlemen in this view. I think it would be infinitely preferable that Mr. Bradlaugh should be allowed to affirm; and it is because I am of that opinion that I ask the House

Mr. Gladstone

to assent to the Motion that stands in my name. Now, a good deal of extraneous matter has been introduced into the discussions respecting this question. Speeches very valuable from a literary point of view have been addressed to the House; but, unfortunately, they were somewhat beyond the issue. The issue is a strictly legal issue. The question really that is submitted to the House is this—Has Mr. Bradlaugh a legal right to affirm instead of taking the Oath; and if he has this right, is it not just and expedient that he should be allowed to do so? The law lies in a nutshell. I am not myself a lawyer, and were it not that the legal portion of this question is exceedingly clear, I should hardly venture to seek to explain it to the House. In 1866, the only persons who were allowed to affirm in Courts of Justice were Quakers, Separatists, Moravians, and others who had a religious objection to taking an oath. In that year the Parliamentary Oaths Bill was passed, and it is upon the 4th section of that Act that Mr. Bradlaugh claims his right to make Affirmation. It is—

“Every person of the persuasion of the people called Quakers, and every other person for the time being by law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, may, instead of taking and subscribing the Oath hereby appointed, make and subscribe a solemn Affirmation.”

It is a well-known principle of law that the restrictive words must not by implication, or by interpretation, be introduced into enabling Acts. These enabling words must be understood in their fullest sense, and I would ask hon. Gentlemen to remember that this Parliamentary Oaths Act is an enabling Act. Bearing this in view, I ask them to look at these words. It would be difficult to suppose that the words “every other person” mean alone those who are specifically stated in the Act; but this difficulty becomes almost an impossibility when, after “every other person,” the words “for the time being by law permitted to make a solemn affirmation” are added. I am perfectly aware that lawyers are very fond of surplusage; but this is not a question of surplusage. If it be asserted that only those who are mentioned in the Act may affirm, it is a question of sheer, unmitigated nonsense. The words can only be understood by anybody who reads them in a

plain and practical sense to mean that Mr. Bradlaugh, or, indeed, any other Member, may affirm, who is for the time being permitted to affirm, instead of taking the oath, in a Court of Justice. There is another point in connection with the language of this section to which I wish to call the attention of the House. Hon. Gentlemen will see that the words are, “Instead of taking an oath may instead of taking and subscribing the oath hereby appointed.” It is a remarkable fact that in this section, where the intention of the Legislature to allude to the Parliamentary Oath is certain, the words “an oath” are used; and in every other section of the Act where the intention is also equally certain, either “the oath” or “the oath aforesaid” is used. It is only in this particular phrase, where presumably all oaths are alluded to, that the words “an oath” are substituted for “the oath,” and “the oath aforesaid.” In 1869 the Evidence Further Amendment Act was passed; and the 4th section of that Act is—

“If any person called to give evidence in any Court of Justice, whether in a civil or a criminal proceeding, shall object to take an oath, or shall be objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that the taking of an oath would have no binding effect upon his conscience, make the following promise and declaration.”

There is no question that Mr. Bradlaugh has been allowed in Courts of Justice to affirm instead of taking an oath. He has not only been allowed to do this as a witness, but he has been allowed by no less an authority than Mr. Baron Bramwell to affirm instead of taking an oath before taking his place in the jury-box as foreman of a jury. That, I think, is important, because a grave distinction is raised by hon. Gentlemen between promissory and Parliamentary Oaths. What are the objections which can be raised against the proposals which I have made? The first is what I may call the distinction argument. Hon. Gentlemen say there is a distinction between Parliamentary Oaths and witness oaths. We who are in favour of Mr. Bradlaugh affirming do not deny that there is this distinction. It is the ground on which we base our belief that Mr. Bradlaugh is entitled to affirm. What we say is, that it is precisely because a distinction was recognized and alluded to in the

Parliamentary Oaths Bill that Mr. Bradlaugh has a right to affirm. The other objection urged is, that the section of the Evidence Further Amendment Act states that a presiding Judge must be satisfied. But you, Sir, are the presiding judge. ["No!"] An hon. Gentleman says "No!" I shall undertake to show that you are. In 1870, the Evidence Further Amendment Act was passed. In this Act I find the following clause:—

"The words 'Court of Justice' and 'presiding judge' in Section 4 of the Evidence Further Amendment Act, 1869, shall be deemed to include any person or persons having by law authority to administer an oath for the taking of evidence."

In the next year the Parliamentary Evidence Act was passed. In that there is this section—

"An Oath or Affirmation under this Act may be administered by the Speaker of the House of Commons."

Therefore, it is very clear that you, Sir, may administer an oath; therefore, you are the presiding judge. ["No!"] Well, I consider it is pretty clear. Hon. Gentlemen say "No!" and, perhaps, it will gratify hon. Gentlemen to know that it is not absolutely necessary for my contention that you should be regarded as the presiding judge. I merely thought it right to state my opinion in reference to an anticipated objection. If Mr. Bradlaugh went before a Court of Law he would have to satisfy the presiding judge of the Court of Law that an oath is not binding on his conscience, before he was allowed to affirm; but any hon. Gentleman has only to read the Act to see that, assuming he may affirm, he has not to satisfy you that the Oath is not binding on his conscience. All that he has to do is to satisfy you that he has satisfied a presiding Judge somewhere else. [*Laughter.*] Hon. Gentlemen laugh. I do not know whether law is laughable to them or not; but that is the law, and I should like to see any hon. Gentleman of great legal experience get up and deny it. At the commencement of each Session a book is forwarded to all Gentlemen in this House called the "Rules, Orders, Forms, and Proceedings of the House." It is not absolutely official; but it emanates from so high an authority—the Clerk of the House—that it is almost official. I find in No. 22, it is stated that—

Mr. Labouchere

"Members being Quakers, Separatists, Moravians, and others, may make and subscribe an Affirmation instead of an Oath,"

according to law. Who are these others? I know that there is a certain sect who once were Quakers, and that they might be meant; but does not the word "Quaker" cover them, and, whether it does or not, does not the word "others" cover everybody else? I know there are some Gentlemen who think they can see through a stone wall. These Gentlemen will not take the plain simple meaning of a sentence, but they always imagine there is something more in a thing than meets the eye. Lawyers, from contending that black is white or white is black in Courts of Justice, are much given to this habit of mind; but I appeal to any hon. Gentleman not afflicted with this mania to read the Acts I have quoted, and, unless he is prepared to abjure Lindley Murray and every other text-writer of the English language, to tell me whether the plain grammatical construction of the language of the 4th section does not allow Mr. Bradlaugh to affirm in this House? The Parliamentary Oaths Act was brought in by the late Sir George Grey. He was not a tyro. No Gentleman knew better the Forms of the House. No Gentleman understood better the English language; and it is impossible to suppose he would have deliberately inserted words which, unless they bear the interpretation I have put upon them, are absolute nonsense. I will now go to the question of the two Committees. The first, it will be admitted by hon. Gentlemen opposite, was somewhat hastily formed. They themselves protested against the haste with which it was appointed. It was appointed in such haste that the hon. and gallant Member for county Galway (Major Nolan), being in Ireland when he received the intimation that he was upon it, found that, though he made all speed to return to England, the decision had already been arrived at before he reached town. This imperfectly-formed Committee were divided in opinion as to whether Mr. Bradlaugh might affirm or might not affirm, and the decision was come to by the vote of the Chairman; and it will not be inconsistent with the general respect in which the right hon. Gentleman is held to say that a decision come to by the preponderance of his one vote is not quite the same as one

arrived at by a majority of the House or a majority of the Committee. The Attorney General and the Solicitor General voted in the minority. If we were unhappily engaged in some legal conflict with a foreign nation we should appeal to the advice of our Attorney General and Solicitor General. Is it actually suggested that we should engage in a conflict with a constituency when our Attorney General and Solicitor General tell us we are in the wrong and the constituency in the right? If even the second Committee had not recommended that Mr. Bradlaugh be allowed to affirm, I should have challenged the decision of the first Committee. The reason why I did not do so at first was that Mr. Bradlaugh presented himself at the Table and wished to know whether he might adopt an alternative course. I do not ask the House to adopt the recommendation of the second Committee because it is their recommendation; for I fully admit it was not entirely within the scope of the reference to the Committee. But I ask the House to consider that very wise and learned Gentlemen, by a considerable majority, came to the conclusion that this was the best way out of the difficulty. As the Committee has pointed out, if you allow Mr. Bradlaugh to come to the Table and affirm, your action is in no way final. All you do is to say that there is such doubt on the question that you will not step in and prevent his affirming. The right of his doing so can be raised by any hon. Member in a Court of Justice. It would be well to remove this question from the somewhat emotional atmosphere of this House into the calm and temperate region of a Court of Law. It has been asserted that the Judges would be influenced by the decision of the House on this question. It is impossible to suppose such a thing. In the interpretation of the Statutes for themselves the Judges are not likely to be more influenced by the decision of this House than by that of any other corporate body. Comparisons are sometimes invidious, and, therefore, I must not make them; but I would point out to the House the very eminent names in the list of the hon. Gentlemen who have advised the House to let the hon. Member for Northampton come to the Table and affirm. We have the Attorney General, the Solicitor General, Serjeant Simon,

Mr. Watkin Williams, Mr. Trevelyan, Mr. Bright, Mr. Childers, and Major Nolan, who, had he been here, would probably have turned the vote of the Committee. Then there is Mr. Hopwood, who did vote on the first occasion that Mr. Bradlaugh could not be allowed to affirm, but who, on second thoughts, had come to the conclusion that he should. ["No!"] Well, that although he is not entitled to affirm, yet he ought to be allowed to affirm by the House. As practical men we ought to look at the consequences of not allowing Mr. Bradlaugh to affirm. I do not myself precisely know what he is to do. But I will suppose that, not being allowed to affirm, he goes to that Table, and asks to be allowed to take the Oath. He is ordered to retire. If he does not retire, I presume he would be taken into custody. He would, I presume, be put in confinement. We will assume that he would be at some time let out. He would then come again to the Table. I think it very possible the House would get tired of this, and would then say—"We can declare the election void." Mr. Bradlaugh would go down to Northampton. He would be re-elected. ["No!"] Hon. Gentlemen will allow me to say that I do know something about that. I can assure the House—of course I cannot be certain—but I can assure hon. Members that, to the best of my belief, Mr. Bradlaugh will be re-elected. ["No!"] Well, possibly; I say very probably he would be re-elected. He would again tender himself to take the Oath. The same scene would be gone over again. Mr. Bradlaugh would again go back, and would again be re-elected. You would then, if you still declined to allow him to enter the House, create a species of martyr. The consequence of your not allowing him to affirm would be that in the end Mr. Bradlaugh would come to that Table and repeat the words which we regard as sacred and he does not. If you think there is a certain measure of profanity in allowing that, it is you that would put yourselves in that position. Mr. Bradlaugh himself asks to be allowed to affirm. It is you who say he should not be allowed to do so. The Oath was never intended as a religious disability. The sole object of the Oath or Affirmation is to enable a Member who is elected to make a declaration of his allegiance. It is true

that for a time these Oaths were a religious disability, in the case, for instance, of Jews and Quakers. But what happened? The House interfered to put away that disability. It is contrary to—it is repugnant to—the feelings of all men of tolerant minds that any Gentleman should be hindered from performing civil functions in this world on account of speculative opinions regarding another world. ["Oh, oh!"] Hon. Gentlemen exclaim as if I were uttering some new doctrine. In 1837 there was a Bill brought into Parliament and passed, called the Municipal Officers' Declaration Bill. The Act was to enable Quakers, Separatists, and Moravians to make a declaration instead of an oath. It was moved that the words "and others" be inserted. This was not carried, and the following Protest remains on the books of the House of Lords, signed by Lord Holland, Lord Radnor, Lord Denman, and Lord Brougham—

"Because the introduction of these denominations in the declaration may, in my apprehension, lead to vexatious litigation, and such litigation to yet more vexatious inquiries respecting theological and speculative tenets of individuals—inquiries on principle unjustifiable, and in practice injurious to religious liberty. The right of a man to substitute the declaration proposed by this Bill for that enacted by the Act of George IV. might be questioned, on the score of his not being, as he professed to be in the declaration, a Quaker, a Moravian, or a Separatist, and the Court of Law called upon to try his right under the words of the Statute would thus be compelled to pronounce judgment on the character of his religious creed, a jurisdiction which no human, or at least no secular, tribunal has the right or the means to assume, and which is more accordant with the spirit of the Inquisition at Rome than consistent with the habits and professions of a Protestant community and a free people."

And Lord Holland adds—

"I cannot directly or indirectly sanction the opinion that any particular faith in matters of religion is necessary to the proper discharge of duties purely political or temporal."

Sir George Grey seems to have taken a large view of his own Bill, for in the debate on the Parliamentary Oaths Bill of 1866 he says—

"Let no man be asked any question as to his religion, but let him take his seat in the House if qualified to sit there in the opinion of those who sent him there, on taking the oath of allegiance as a loyal subject of the Crown."—[3 *Hansard*, clxxxi. 456.]

The Oath in that passage, I may explain,

Mr. Labouchere

means Oath or Affirmation, for Section 4 of that Act says—

"The affirmation of allegiance shall have the same effect as the making and subscribing of the oath hereby appointed."

So that Sir George Grey wished that every person duly elected by a constituency should come to that Table and be allowed, without any question as to religious belief, or absence of religious belief, to take the Oath or to affirm. It is no novelty to say that it is most desirable that whenever the State imposes upon a Member of a Legislature the necessity of taking an Oath he should be allowed to substitute an Affirmation. The founders of the American Republic, in order that there should be no mistake about their toleration, incorporated in their Constitution a distinct declaration that in no case should any gentleman called upon to take the Oath be forced to take it if he preferred to make an Affirmation. A few years ago, in the late Civil War, there was an Oath so stringent as to earn the title of the Iron-clad Oath. Its object was to oblige anyone elected to the public offices to swear that he had not taken part directly or indirectly in the Rebellion. Even in regard to that Oath the Americans stuck to the principle of their Constitution, and laid it down that anyone might affirm instead of taking the Oath. On this particular issue it is undesirable to come into conflict with constituencies and to interfere with their free choice of their own Members. In Northampton there are, perhaps, fewer persons than in almost any other town of its size of Mr. Bradlaugh's way of thinking in religious matters. [*Laughter.*] Hon. Gentlemen laugh. Do hon. Gentlemen think that when Mr. Bradlaugh is in a town to give lectures on his particular views he must necessarily convert everyone? As a matter of fact, there are exceedingly few persons in Northampton of Mr. Bradlaugh's views. Mr. Bradlaugh was elected on a political issue; and so strong is the feeling that the constituency would be badly used if Mr. Bradlaugh were not allowed to take his seat, that I am convinced that the majority of Mr. Bradlaugh over any Conservative that became a candidate would be still greater now than at his last election. This is not the case of a Gentleman having been elected saying he will

not conform to the regulations of the House. Twenty-five years ago, a Quaker was sent to prison by the House for refusing to take the Oath; but Mr. Bradlaugh says—

“I should prefer to take the Affirmation, which is more binding on my conscience; but I am prepared to take either the Affirmation or the Oath. I am fully prepared to go through the forms necessary for taking my seat.”

It is the House that interferes and says he shall not be allowed to take the Oath. I think it would be most desirable to weigh the justice and expediency of this course before finally adopting it. The hon. and learned Member for Launceston (Sir Hardinge Giffard) has given Notice of an Amendment to my Resolution. This Amendment seems to me somewhat strangely worded. The late Solicitor General asks the House to run counter to the Report of the second Committee. I merely mention this, because it is possible that considerable stress will be laid on the circumstance of our running counter to the Report of a Select Committee. I am, therefore, obliged to the hon. and learned Gentleman for having brought in an Amendment which knocks out the bottom of that argument; because, if he asks the House not to agree to the Report of the second Committee, he can hardly object to me or any other Gentleman asking the House not to agree with the Report of the first Committee. I have endeavoured to make the matter as clear as I can from a legal point of view; and, in any case, I trust the House will not allow itself, when acting with judicial functions, to act with any personal feeling with regard to the Gentleman now before it. The question ought to be an A and B one as it affects Mr. Bradlaugh. The question is a general one as to whether Mr. Bradlaugh has the right to affirm instead of taking the Oath of Allegiance; and as to whether, if he has that right, it is just and expedient on the part of the House to allow him to exercise it. I beg to move that Mr. Bradlaugh, Member for the borough of Northampton, be admitted to make an Affirmation or Declaration, instead of the Oath required by Law.

MR. C. M'LAREN, in seconding the Motion, remarked that there were many Members in the House who felt with him that if the law permitted they would very much rather make the Affirmation asked for by the hon. Member

for Northampton than take the Oath that the law compelled them to take. But it was a satisfaction to think that the debate must lead to such a conclusion as to enable the majority to signify, as he believed would be the case, their disapproval of the present system. He insisted that the question should be decided on purely technical considerations; and these, in his opinion, were amply sufficient to justify the House in accepting the Motion. They had had the evidence of two Committees, and still, to a certain extent, their decision was unfettered. He hoped that the Motion would meet the necessities of the case, and begged the House to remember that, if Mr. Bradlaugh were allowed to make an Affirmation, it would be possible to test his right to do so in a Court of Law. He could hardly suppose that the House intended partially to disfranchise the borough of Northampton, or to deprive Mr. Bradlaugh of rights that were clearly correlative to his duties as a Member of Parliament. If Mr. Bradlaugh might neither take the Oath nor make an Affirmation, the House would be logically almost driven to expel him; and he believed there was no precedent for expelling a Member before he had taken his seat. It seemed to him that the House should attach some weight to the opinions of the majority of the Committee, including six eminent lawyers, besides the Law Officers of the Crown. He would ask the House to consider what would be their position and the position of the English people if they, unhappily, came to the conclusion of ostracising Mr. Bradlaugh. If they did so, he could not see how they would be able to admit a Moravian, or any other person who, from religious grounds, would refuse to take the Oath; and he would like to hear who were the “other persons” who might enter the House without taking the Oath, if it were not persons like Mr. Bradlaugh. If they excluded him, the House would have decided that no Member should be admitted until an inquisition had been previously held outside as to his religious opinions. They would thus practically fetter the constituencies by telling them that unless they returned a Member whose views were in accordance with those of the normal majority of the House they would be excluded from any representation. Such a course would

strike a most fatal blow at Constitutional principles, and a still more fatal blow against civil and religious liberty; and, as a Member of the Liberal Party that had been returned in overwhelming numbers, he should most deeply regret it if the House came to such a conclusion.

Motion made, and Question proposed,

"That Mr. Bradlaugh, Member for the Borough of Northampton, be admitted to make an Affirmation or Declaration, instead of the Oath required by Law."—(*Mr. Labouchere.*)

SIR HARDINGE GIFFARD, in rising to move as an Amendment—

"That, having regard to the Reports and proceedings of two Select Committees, appointed by this House, Mr. Bradlaugh be not permitted to take the Oath or make the Affirmation mentioned in the Statute 29 Vic. c. 19, and the 31 and 32 Vic. c. 72,"

said, that there was no Member of that House, if he excepted the hon. Member for Northampton himself, who did not heartily regret that this question had been raised. So far from having any desire to interrogate anyone as to his religious belief, they should have thought it a subject of special congratulation, and might possibly have entertained the charitable hypothesis that Mr. Bradlaugh's opinions did not continue the same as they had been, if without any notice he had come to the Table and taken the Oath in the ordinary manner. In that case no question would have been raised, and every hon. Gentleman about him would have deprecated any inquisitorial proceedings as to Mr. Bradlaugh's views. But it was impossible not to see that Mr. Bradlaugh's views had been thrust upon the House, and that important distinction must be obvious to everyone. Each man was the keeper of his own conscience, and if he kept it to himself it was his own affair; but if he challenged the House of Commons to say whether he was or was not entitled to take the Oath it was impossible for the House of Commons to shield itself by saying that each man must be guardian of his own conscience. The Members of that House were the guardians of the decency and the decorum of that great Assembly, and the Member for Northampton was now shifting to them the responsibility which he might have kept to himself. He would briefly recapitulate the history of this matter. A question was addressed

to the right hon. Gentleman in the Chair, and the right hon. Gentleman in turn invited the consideration of the House to it. At the instance of the Government a Committee was appointed, and that Committee reported. They had heard something about the Report having been carried by this vote or by that. He was himself unable to understand the attributing of the Report of a Committee which reported by a majority to the vote of any particular Member. The Report was the Report of the Committee. If anybody was to go behind a decision and examine the way in which each Member voted, and proceeded to weigh in the balance the authority of each particular Member, it was obvious that, whether as regarded Courts of Law or that House, the finality of the decision was gone. It was at the instance of Her Majesty's Government that this Committee was appointed, and when the Report was presented to the House one of two courses was open to them. Either Her Majesty's Government might have challenged, if they thought proper, the Report of the Committee, or they might, as they did, follow another course. They thought it right to move for another Committee, in which case the terms of Reference assumed the accuracy of the Report made by the first Committee. And, in truth, when the House discussed at some length the appointment of the second Committee, it was pointed out that it was very desirable to have a discussion on a question of law carried on without heat in a serener and more judicial atmosphere, and that a Committee was the atmosphere in which such a question ought to be debated. While it was assumed that the first Committee had disposed of the question of the Affirmation, the question of the Oath was referred to the second Committee. That question was debated with very considerable animation on each side, and what the Committee thought right they reported; but they were asked to add to the Report a matter which had not been remitted to them; and, in fact, to overrule the decision of the first Committee, the subject matter of the first Committee's decision not being within the preamble of the Reference. He admitted it might be said—"Oh, this is not overruling the legal principle laid down by the first Committee; but this recommendation,

Mr. C. M'Laren

which is outside the Reference altogether, may be interpreted in this sense—that, assuming the first Committee to have been correct in the law laid down, the second Committee only recommends a form in which the question may be ultimately decided.” Well, that was about the most extraordinary proceeding ever heard of when they found appended to that recommendation the names of four Members of Her Majesty’s Government, two of them the Attorney General and the Solicitor General. That recommendation amounted to this—Whereas it had been decided and assumed to be the law that it was unlawful to make an Affirmation, in that case the Attorney General and Solicitor General recommended the law to be broken. They recommended the law to be broken in order that the Courts of Law might find out whether the Committee had decided right or not. He would have to quote a precedent presently where a somewhat similar question arose, and then he would show what the Leader of the House and the Prime Minister of the time said on the subject. But for the moment he would advert to the question raised before the first Committee. Considering the names of the Gentlemen who sat on that Committee, and that it was a question of law upon which lawyers of very great eminence had differed, he would not dogmatize or say that the question was too clear for argument. But he assumed, in the absence of any proceedings on the part of Her Majesty’s Government, that the decision of the first Committee was not to be challenged; and he was entitled to assume, therefore, that it would be unlawful to allow the Member for Northampton to make an Affirmation instead of an Oath. Now, the whole point in dispute had been assumed in the two orations to which they had listened. It was said that the word “others” in the Witnesses’ Oaths Act of 1871 must have referred to everybody, and not merely to persons who entertained a peculiar religious belief. But he held it very arguable that in the different stages of relaxation which the Legislature adopted it proceeded on the assumption of some religious feeling and some religious opinions, although not confined to particular sects and beliefs. The hon. Member for Northampton, in reading the Act of 1871, and referring to it as

confirming his view, omitted a very important portion of it, which, if the House would permit, he (Sir Hardinge Giffard) would now supply. The declaration was in these words:—

“I, A B, do solemnly and sincerely and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful.”

He would have thought that these words, “according to my religious belief,” might have formed part of what the hon. Member read to the House, and might have been urged in favour of the view that religious persuasion was an essential condition of either taking the Oath where the Oath was lawful, or the Affirmation substituted for an Oath were the objection to the taking of an Oath was founded on religious belief. He would have thought that that argument was at least worthy of some notice in considering the question whether they were to adopt the Resolution of the first Committee or not. Although he did not put forward his opinion as of more value than that of any other hon. Member, yet he felt bound to give expression to it lest it might be thought that he did not entirely concur in the Report. Well, what course was suggested in face of the difficulty created by the hon. Member for Northampton himself? It was said in the recommendation of the Select Committee that—

“From the fact that this Report was carried by the vote of the Chairman, thus showing a great division of opinion among the Members of the Committee, the state of the law cannot be regarded as satisfactorily determined. Under these circumstances it appears to your Committee that Mr. Bradlaugh should have the liberty of having his statutory rights determined beyond doubt by being allowed to take the only step by which the legality of his making an Affirmation can be brought for decision before the High Court of Justice.”

That recommendation was entirely beyond the scope of their inquiry. They were not invited to make any such recommendation; and it could only have the authority of those who had appended their names to it. He would, however, take it for the moment as having the authority of the names appended to it. And now let him remind the House of the precedent that existed on this subject. When Mr. Alderman Salomons was returned for Greenwich there were three Oaths which every Member was

strike a most fatal blow at Constitutional principles, and a still more fatal blow against civil and religious liberty; and, as a Member of the Liberal Party that had been returned in overwhelming numbers, he should most deeply regret it if the House came to such a conclusion.

Motion made, and Question proposed,

"That Mr. Bradlaugh, Member for the Borough of Northampton, be admitted to make an Affirmation or Declaration, instead of the Oath required by Law."—(*Mr. Labouchere.*)

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said, that there was no Member of that House, if he excepted the hon. Member for Northampton himself, who did not heartily regret that this question had been raised. So far from having any desire to interrogate anyone as to his religious belief, they should have thought it a subject of special congratulation, and might possibly have entertained the charitable hypothesis that Mr. Bradlaugh's opinions did not continue the same as they had been, if without any notice he had come to the Table and taken the Oath in the ordinary manner. In that case no question would have been raised, and every hon. Gentleman about him would have deprecated any inquisitorial proceedings as to Mr. Bradlaugh's views. But it was impossible not to see that Mr. Bradlaugh's views had been thrust upon the House, and that important distinction must be obvious to everyone. Each man was the keeper of his own conscience, and if he kept it to himself it was his own affair; but if he challenged the House of Commons to say whether he was or was not entitled to take the Oath it was impossible for the House of Commons to shield itself by saying that each man must be guardian of his own conscience. The Members of that House were the guardians of the decency and the decorum of that great Assembly, and the Member for Northampton was now shifting to them the responsibility which he might have kept to himself. He would briefly recapitulate the history of this matter. A question was addressed

to the right hon. Gentleman in the Chair, and the right hon. Gentleman in turn invited the consideration of the House to it. At the instance of the Government a Committee was appointed, and that Committee reported. They had heard something about the Report having been carried by this vote or by that. He was himself unable to understand the attributing of the Report of a Committee which reported by a majority to the vote of any particular Member. The Report was the Report of the Committee. If anybody was to go behind a decision and examine the way in which each Member voted, and proceeded to weigh in the balance the authority of each particular Member, it was obvious that, whether as regarded Courts of Law or that House, the finality of the decision was gone. It was at the instance of Her Majesty's Government that this Committee was appointed, and when the Report was presented to the House one of two courses was open to them. Either Her Majesty's Government might have challenged, if they thought proper, the Report of the Committee, or they might, as they did, follow another course. They thought it right to move for another Committee, in which case the terms of Reference assumed the accuracy of the Report made by the first Committee. And, in truth, when the House discussed at some length the appointment of the second Committee, it was pointed out that it was very desirable to have a discussion on a question of law carried on without heat in a serener and more judicial atmosphere, and that a Committee was the atmosphere in which such a question ought to be debated. While it was assumed that the first Committee had disposed of the question of the Affirmation, the question of the Oath was referred to the second Committee. That question was debated with very considerable animation on each side, and what the Committee thought right they reported; they were asked to add to the Report matter which had not been remitted to them; and, in fact, to overrule the decision of the first Committee, the subject-matter of the first Committee's decision not being within the preamble of the Reference. He admitted it might be said—"Oh, this is a legal principle Committee; b"

that for a time these Oaths were a religious disability, in the case, for instance, of Jews and Quakers. But what happened? The House interfered to put away that disability. It is contrary to—it is repugnant to—the feelings of all men of tolerant minds that any Gentleman should be hindered from performing civil functions in this world on account of speculative opinions regarding another world. ["Oh, oh!"] Hon. Gentlemen exclaim as if I were uttering some new doctrine. In 1837 there was a Bill brought into Parliament and passed, called the Municipal Officers' Declaration Bill. The Act was to enable Quakers, Separatists, and Moravians to make a declaration instead of an oath. It was moved that the words "and others" be inserted. This was not carried, and the following Protest remains on the books of the House of Lords, signed by Lord Holland, Lord Radnor, Lord Denman, and Lord Brougham—

"Because the introduction of these denominations in the declaration may, in my apprehension, lead to vexatious litigation, and such litigation to yet more vexatious inquiries respecting theological and speculative tenets of individuals—inquiries on principle unjustifiable, and in practice injurious to religious liberty. The right of a man to substitute the declaration proposed by this Bill for that enacted by the Act of George IV. might be questioned, on the score of his not being, as he professed to be in the declaration, a Quaker, a Moravian, or a Separatist, and the Court of Law called upon to try his right under the words of the Statute would thus be compelled to pronounce judgment on the character of his religious creed, a jurisdiction which no human, or at least no secular, tribunal has the right or the means to assume, and which is more accordant with the spirit of the Inquisition at Rome than consistent with the habits and professions of a Protestant community and a free people."

And Lord Holland adds—

"I cannot directly or indirectly sanction the opinion that any particular faith in matters of religion is necessary to the proper discharge of duties purely political or temporal."

Sir George Grey seems to have taken a large view of his own Bill, for in the debate on the Parliamentary Oaths Bill of 1866 he says—

"Let no man be asked any question as to his religion, but let him take his seat in the House if qualified to sit there in the opinion of those who sent him there, on taking the oath of allegiance as a loyal subject of the Crown."—[3 *Hansard*, clxxi. 456.]

The Oath in that passage, I may explain,

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means Oath or Affirmation, for Section 4 of that Act says—

"The affirmation of allegiance shall have the same effect as the making and subscribing of the oath hereby appointed."

So that Sir George Grey wished that every person duly elected by a constituency should come to that Table and be allowed, without any question as to religious belief, or absence of religious belief, to take the Oath or to affirm. It is no novelty to say that it is most desirable that whenever the State imposes upon a Member of a Legislature the necessity of taking an Oath he should be allowed to substitute an Affirmation. The founders of the American Republic, in order that there should be no mistake about their toleration, incorporated in their Constitution a distinct declaration that in no case should any gentleman called upon to take the Oath be forced to take it if he preferred to make an Affirmation. A few years ago, in the late Civil War, there was an Oath so stringent as to earn the title of the Iron-clad Oath. Its object was to oblige anyone elected to the public offices to swear that he had not taken part directly or indirectly in the Rebellion. Even in regard to that Oath the Americans stuck to the principle of their Constitution, and laid it down that anyone might affirm instead of taking the Oath. On this particular issue it is undesirable to come into conflict with constituencies and to interfere with their free choice of their own Members. In Northampton there are, perhaps, fewer persons than in almost any other town of its size of Mr. Bradlaugh's way of thinking in religious matters. [*Laughter.*] Hon. Gentlemen laugh. Do hon. Gentlemen think that when Mr. Bradlaugh is in a town to give lectures on his particular views he must necessarily convert everyone? As a matter of fact, there are exceedingly few persons in Northampton of Mr. Bradlaugh's views. Mr. Bradlaugh was elected on a political issue; and so strong is the feeling that the constituency would be badly used if Mr. Bradlaugh were not allowed to take his seat, that I am convinced that the majority of Mr. Bradlaugh over any Conservative that became a candidate would be still greater now than at his last election. This is not the case of a Gentleman having been elected saying he will

having made and subscribed the Oath should take part in debate or vote he should be subject to a penalty and his seat should be vacated in the same manner as if he were dead. Then they would have this whole debate over again on the question of the issue of the Writ. In these circumstances they were entitled to ask what was the intention of the Government? Were they in favour of the Motion or Amendment which had been placed on the Paper? He admitted that there was a remedy that could be applied. That remedy was legislation—legislation of the kind which was adopted when Sir David Salomons could not take his seat. The House on that occasion, under the leadership of Lord John Russell, positively declined to shrink from its plain straightforward obligations, or still less to be controlled by the action of third parties in Courts of Law. If ever there was an *a fortiori* case it was the one with which Lord John Russell was then dealing. His Lordship objected to the law as it was laid down by the lawyers. He was taunted again and again by his own followers that he would not allow Sir David Salomons to do that which would raise the question in the Courts of Law. He said—

“The first example we have to set is that of obedience to the law, and whatever we may think of the policy or expediency of the particular law that we complain of, or of what in our view is natural justice—the view I submit to the House of Commons is this, that we should ourselves be the first to set the example of obeying the law, and leave the Legislature to remedy that which is supposed to be unjust.”

The hon. and learned Gentleman concluded by moving the Amendment of which he had given Notice.

MR. R. N. FOWLER: Mr. Speaker, It has been said that this is a delicate question. Sir, it seems to me to be not merely a delicate but a solemn question. The question before the House is, whether a man who denies the common God of Jew and Christian is to be permitted to sit in this House? Reference has been made to the Society of Friends and to the Jewish Persuasion. It seems to me to be an insult to both those Bodies to compare them to an Atheist. As regards the Society of Friends, allusion has been made to the late Mr. Joseph John Young. I would allude to the father and uncle of my right hon. Friend the Chief Secretary for Ireland (Mr. W. E. Forster).

More holy and devoted men than these have seldom lived, and it would be an insult to their memory to compare them to the hon. Member for Northampton. As regards the Jews, I had the honour to sit in a former Parliament with the Gentlemen mentioned before the Committee—the two Barons de Rothschild and Sir David Salomons—and all who knew them will agree with me that they were eminently qualified to sit in this House. Sir, is it desirable to admit to this House one who denies the existence of God and of a future state? The example of the United States has great influence with hon. Gentlemen opposite; but I may remind the House that the United States refused to admit the territory of Utah into the Union. I may be told that this was rather on moral than on religious grounds. I might reply that objection may be taken to the moral as well as to the religious views of the hon. Member for Northampton. I do not insist on this, because, if a man denies God and a future state, I do not see how he can be expected to be a moral man. His language must necessarily be—“Let us eat and drink, for to-morrow we die.” We are told to respect the verdict of the constituency of Northampton; I do not think the House is bound to do so. Twice has the great county of Tipperary returned men whom this House has refused to admit. I particularly refer to the case of Mr. O'Donovan Rossa, because his rejection was moved by the present Prime Minister. But, Sir, we have to look, not to the electors of Northampton, but to the people at large. I believe, if we cared to put to our constituents, apart from any question of confidence in the right hon. Gentleman I see before me, apart from any foreign or other question, a large majority of the people of England, and also of Ireland and Scotland, would say in reply to the appeal—“We will not have among our Rulers one who denies the God who is above.” Sir, on these grounds, because I believe that I am supported by the feeling of the people of England, because I am confident I express the views of that great constituency by whose favour I now stand before you; above all, because if I could assent to the proposal of the hon. Gentleman opposite (Mr. Labouchere), I should be recreant to my country, my Sovereign, and my God, I give my

strike a most fatal blow at Constitutional principles, and a still more fatal blow against civil and religious liberty; and, as a Member of the Liberal Party that had been returned in overwhelming numbers, he should most deeply regret it if the House came to such a conclusion.

Motion made, and Question proposed,

"That Mr. Bradlaugh, Member for the Borough of Northampton, be admitted to make an Affirmation or Declaration, instead of the Oath required by Law."—(*Mr. Labouchere.*)

SIR HARDINGE GIFFARD, in rising to move as an Amendment—

"That, having regard to the Reports and proceedings of two Select Committees, appointed by this House, Mr. Bradlaugh be not permitted to take the Oath or make the Affirmation mentioned in the Statute 29 Vic. c. 19, and the 31 and 32 Vic. c. 72,"

said, that there was no Member of that House, if he excepted the hon. Member for Northampton himself, who did not heartily regret that this question had been raised. So far from having any desire to interrogate anyone as to his religious belief, they should have thought it a subject of special congratulation, and might possibly have entertained the charitable hypothesis that Mr. Bradlaugh's opinions did not continue the same as they had been, if without any notice he had come to the Table and taken the Oath in the ordinary manner. In that case no question would have been raised, and every hon. Gentleman about him would have deprecated any inquisitorial proceedings as to Mr. Bradlaugh's views. But it was impossible not to see that Mr. Bradlaugh's views had been thrust upon the House, and that important distinction must be obvious to everyone. Each man was the keeper of his own conscience, and if he kept it to himself it was his own affair; but if he challenged the House of Commons to say whether he was or was not entitled to take the Oath it was impossible for the House of Commons to shield itself by saying that each man must be guardian of his own conscience. The Members of that House were the guardians of the decency and the decorum of that great Assembly, and the Member for Northampton was now shifting to them the responsibility which he might have kept to himself. He would briefly recapitulate the history of this matter. A question was addressed

to the right hon. Gentleman in the Chair, and the right hon. Gentleman in turn invited the consideration of the House to it. At the instance of the Government a Committee was appointed, and that Committee reported. They had heard something about the Report having been carried by this vote or by that. He was himself unable to understand the attributing of the Report of a Committee which reported by a majority to the vote of any particular Member. The Report was the Report of the Committee. If anybody was to go behind a decision and examine the way in which each Member voted, and proceeded to weigh in the balance the authority of each particular Member, it was obvious that, whether as regarded Courts of Law or that House, the finality of the decision was gone. It was at the instance of Her Majesty's Government that this Committee was appointed, and when the Report was presented to the House one of two courses was open to them. Either Her Majesty's Government might have challenged, if they thought proper, the Report of the Committee, or they might, as they did, follow another course. They thought it right to move for another Committee, in which case the terms of Reference assumed the accuracy of the Report made by the first Committee. And, in truth, when the House discussed at some length the appointment of the second Committee, it was pointed out that it was very desirable to have a discussion on a question of law carried on without heat in a serener and more judicial atmosphere, and that a Committee was the atmosphere in which such a question ought to be debated. While it was assumed that the first Committee had disposed of the question of the Affirmation, the question of the Oath was referred to the second Committee. That question was debated with very considerable animation on each side, and what the Committee thought right they reported; but they were asked to add to the Report a matter which had not been remitted to them; and, in fact, to overrule the decision of the first Committee, the subject matter of the first Committee's decision not being within the preamble of the Reference. He admitted it might be said—"Oh, this is not overruling the legal principle laid down by the first Committee; but this recommendation

his outside the Reference altogether, be interpreted in this sense—that, naming the first Committee to have been correct in the law laid down, the second Committee only recommends a course in which the question may be ultimately decided." Well, that was about the most extraordinary proceeding ever known of when they found appended to their recommendation the names of four members of Her Majesty's Government, of whom the Attorney General and Solicitor General. That recommendation amounted to this—Whereas it had been decided and assumed to be the case that it was unlawful to make an affirmation, in that case the Attorney General and Solicitor General recommended the law to be broken. They recommended the law to be broken in the case that the Courts of Law might find whether the Committee had decided or not. He would have to quote a precedent presently where a somewhat similar question arose, and then he would show what the Leader of the Opposition and the Prime Minister of the day had said on the subject. But for the moment he would advert to the question raised before the first Committee. Considering the names of the members who sat on that Committee, that it was a question of law upon which lawyers of very great eminence differed, he would not dogmatize or say that the question was too clear for argument. But he assumed, in the absence of any proceedings on the part of Her Majesty's Government, that the decision of the first Committee was not challenged; and he was entitled to assume, therefore, that it would be unlawful to allow the Member for Northampton to make an Affirmation instead of an Oath. Now, the whole point in the case had been assumed in the two opinions to which they had listened. It was said that the word "others" in the Oaths Act of 1871 must have been applied to everybody, and not merely to those who entertained a peculiar religious belief. But he held it very probable that in the different stages of legislation which the Legislature adopted proceeded on the assumption of some common feeling and some religious opinions, although not confined to particular sects and beliefs. The hon. Member for Northampton, in reading the Act of 1871, and referring to it as

confirming his view, omitted a very important portion of it, which, if the House would permit, he (Sir Harding Giffard) would now supply. The declaration was in these words:—

"I, A. B., do solemnly and sincerely and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful."

He would have thought that these words, "according to my religious belief," might have formed part of what the hon. Member read to the House, and might have been urged in favour of the view that religious persuasion was an essential condition of either taking the Oath where the Oath was lawful, or the Affirmation substitute for an Oath where the objection to the taking of an Oath was founded on religious belief. He would have thought that that argument was at least worth giving some notice in considering the question whether they were to adopt the Resolution of the first Committee or not. Although he did not put forward his opinion as of more value than that of any other hon. Member, yet he felt bound to give expression to it lest it might be thought that he did not entirely concur in the Report. Well, what course was suggested in face of the difficulty created by the hon. Member for Northampton himself? It was said in the recommendation of the Select Committee that—

"From the fact that this Report was carried by the vote of the Chairman, thus showing a great division of opinion among the Members of the Committee, the state of the law cannot be regarded as satisfactorily determined. Under these circumstances it appears to your Committee that Mr. Bradlaugh should have the liberty of having his statutory rights determined beyond doubt by being allowed to take the only step by which the legality of his making an Affirmation can be brought for decision before the High Court of Justice."

That recommendation was entirely beyond the scope of their inquiry. They were not invited to make any such recommendation; and it could only have the authority of those who had appended their names to it. He would, however, take it for the moment as having the authority of the names appended to it. And now let him remind the House of the precedent that existed on this subject. When Mr. Alderman Salomon was returned for Greenwich there were three Oaths which every Member was

bodies. He (Mr. Serjeant Simon) remembered well how they were employed against the admission of his own community. It was the spirit of such arguments that lighted the fires of Smithfield, and established the Inquisition in Spain. He (Mr. Serjeant Simon) had, and could have, no kind of sympathy with Mr. Bradlaugh or his opinions. He condemned and deplored them. But he held the right of conscience to be the most sacred of all human rights, and whether a man believed much, or little, or nothing at all, rested upon precisely the same common ground, the right of each man to determine for himself in matters of religion. To attempt to limit this right was to deny it altogether. To impose disabilities, or to punish a man, by withholding civil or political rights, because of his opinions, was a power which he (Mr. Serjeant Simon) could not concede to any man, or body of men. He (Mr. Serjeant Simon) belonged to a race that had suffered more than any other for the sake of conscience, and, in many parts of the world, they suffered still. He, for one, would never use the rights he enjoyed as an Englishman to exclude another from equal participation in those rights. Least of all would he, because of his own religious convictions, by word or deed, join with those who would invade the sacred domain of conscience, and deny the right of private judgment.

MR. WARTON asked, "Where are we now?" The Attorney General, as representing the Government, had taken credit to himself for accepting the decision of the first Committee; and he wished to know whether it was at the instigation or with the sanction of Her Majesty's Government that the second Committee had appended to its Report the recommendation that Mr. Bradlaugh should be permitted to affirm—a matter which in no way entered into the scope of its inquiry? He hoped, and indeed believed, that the House, and especially the Liberal Members of it, would pause when they considered what a terrible effect would be produced in the country by voting in favour of the Motion which would admit Mr. Bradlaugh to the House. He agreed with the hon. Member for the City of London (Mr. R. N. Fowler), who seconded the Amendment, that the question was one of religion, and that if it were put to a vote

of the country there would be a far larger majority against the Motion than that which returned the Liberal Party to power at the recent Election. The right hon. Gentlemen he saw opposite him (Mr. Gladstone and Mr. John Bright) were religious men, and he hoped they would not on the present occasion throw their shields over an infidel and a blasphemer. There was an assumption on the part of Mr. Bradlaugh's supporters that an infidel had a conscience—an assumption which he denied not only on broad grounds, but on the very derivation of the word, which implied a knowledge of some One with us, or the light of God in our own nature. In conclusion, he begged that every Member of the House who believed in God would vote against the "fool who hath said in his heart there is no God."

MR. WHITBREAD wished to remind hon. Members opposite of a fact which they had apparently forgotten, which was that when the first Committee in reference to this matter was appointed it was distinctly understood that the Report of the Committee was in no sense to decide the question, but was simply to be a means of affording information to the House to enable the general body of Members to arrive at a decision on a very difficult question. Then, again, it was sought to make the Government responsible for the course which had been pursued by the second Committee. Let them not forget that the Leader of the House proposed to appoint as the second Committee the very same Gentlemen who had formed the first. If that course had been followed it was but reasonable to suppose that the Committee would have come to a similar conclusion. But it was at the instigation, and at the express wish of the Leader of the Opposition, that new names were added, and that if a Report different from that anticipated had come out, it was rather hard to throw the responsibility on the Government. The hon. and learned Member for Launceston (Sir Hardinge Giffard) also based a considerable portion of his argument on the erroneous assumption that the Report of the first Committee had decided the law of the case, but admitted that the question was one of law. If this last proposition were true, which he (Mr. Whitbread) admitted, surely no tribunal could be so competent to decide it as the Law Courts.

Mr. Serjeant Simon

that for a time these Oaths were a religious disability, in the case, for instance, of Jews and Quakers. But what happened? The House interfered to put away that disability. It is contrary to—it is repugnant to—the feelings of all men of tolerant minds that any Gentleman should be hindered from performing civil functions in this world on account of speculative opinions regarding another world. ["Oh, oh!"] Hon. Gentlemen exclaim as if I were uttering some new doctrine. In 1837 there was a Bill brought into Parliament and passed, called the Municipal Officers' Declaration Bill. The Act was to enable Quakers, Separatists, and Moravians to make a declaration instead of an oath. It was moved that the words "and others" be inserted. This was not carried, and the following Protest remains on the books of the House of Lords, signed by Lord Holland, Lord Radnor, Lord Denman, and Lord Brougham—

"Because the introduction of these denominations in the declaration may, in my apprehension, lead to vexatious litigation, and such litigation to yet more vexatious inquiries respecting theological and speculative tenets of individuals—inquiries on principle unjustifiable, and in practice injurious to religious liberty. The right of a man to substitute the declaration proposed by this Bill for that enacted by the Act of George IV. might be questioned, on the score of his not being, as he professed to be in the declaration, a Quaker, a Moravian, or a Separatist, and the Court of Law called upon to try his right under the words of the Statute would thus be compelled to pronounce judgment on the character of his religious creed, a jurisdiction which no human, or at least no secular, tribunal has the right or the means to assume, and which is more accordant with the spirit of the Inquisition at Rome than consistent with the habits and professions of a Protestant community and a free people."

And Lord Holland adds—

"I cannot directly or indirectly sanction the opinion that any particular faith in matters of religion is necessary to the proper discharge of duties purely political or temporal."

Sir George Grey seems to have taken a large view of his own Bill, for in the debate on the Parliamentary Oaths Bill of 1866 he says—

"Let no man be asked any question as to his religion, but let him take his seat in the House if qualified to sit there in the opinion of those who sent him there, on taking the oath of allegiance as a loyal subject of the Crown."—[3 *Hansard*, clxxxi. 456.]

The Oath in that passage, I may explain,

Mr. Labouchere

means Oath or Affirmation, for Section 4 of that Act says—

"The affirmation of allegiance shall have the same effect as the making and subscribing of the oath hereby appointed."

So that Sir George Grey wished that every person duly elected by a constituency should come to that Table and be allowed, without any question as to religious belief, or absence of religious belief, to take the Oath or to affirm. It is no novelty to say that it is most desirable that whenever the State imposes upon a Member of a Legislature the necessity of taking an Oath he should be allowed to substitute an Affirmation. The founders of the American Republic, in order that there should be no mistake about their toleration, incorporated in their Constitution a distinct declaration that in no case should any gentleman called upon to take the Oath be forced to take it if he preferred to make an Affirmation. A few years ago, in the late Civil War, there was an Oath so stringent as to earn the title of the Iron-clad Oath. Its object was to oblige anyone elected to the public offices to swear that he had not taken part directly or indirectly in the Rebellion. Even in regard to that Oath the Americans stuck to the principle of their Constitution, and laid it down that anyone might affirm instead of taking the Oath. On this particular issue it is undesirable to come into conflict with constituencies and to interfere with their free choice of their own Members. In Northampton there are, perhaps, fewer persons than in almost any other town of its size of Mr. Bradlaugh's way of thinking in religious matters. [*Laughter.*] Hon. Gentlemen laugh. Do hon. Gentlemen think that when Mr. Bradlaugh is in a town to give lectures on his particular views he must necessarily convert everyone? As a matter of fact, there are exceedingly few persons in Northampton of Mr. Bradlaugh's views. Mr. Bradlaugh was elected on a political issue; and so strong is the feeling that the constituency would be badly used if Mr. Bradlaugh were not allowed to take his seat, that I am convinced that the majority of Mr. Bradlaugh over any Conservative that became a candidate would be still greater now than at his last election. This is not the case of a Gentleman having been elected saying he will

having made and subscribed the Oath should take part in debate or vote he should be subject to a penalty and his seat should be vacated in the same manner as if he were dead. Then they would have this whole debate over again on the question of the issue of the Writ. In these circumstances they were entitled to ask what was the intention of the Government? Were they in favour of the Motion or Amendment which had been placed on the Paper? He admitted that there was a remedy that could be applied. That remedy was legislation—legislation of the kind which was adopted when Sir David Salomons could not take his seat. The House on that occasion, under the leadership of Lord John Russell, positively declined to shrink from its plain straightforward obligations, or still less to be controlled by the action of third parties in Courts of Law. If ever there was an *a fortiori* case it was the one with which Lord John Russell was then dealing. His Lordship objected to the law as it was laid down by the lawyers. He was taunted again and again by his own followers that he would not allow Sir David Salomons to do that which would raise the question in the Courts of Law. He said—

“The first example we have to set is that of obedience to the law, and whatever we may think of the policy or expediency of the particular law that we complain of, or of what in our view is natural justice—the view I submit to the House of Commons is this, that we should ourselves be the first to set the example of obeying the law, and leave the Legislature to remedy that which is supposed to be unjust.”

The hon. and learned Gentleman concluded by moving the Amendment of which he had given Notice.

MR. R. N. FOWLER: Mr. Speaker, It has been said that this is a delicate question. Sir, it seems to me to be not merely a delicate but a solemn question. The question before the House is, whether a man who denies the common God of Jew and Christian is to be permitted to sit in this House? Reference has been made to the Society of Friends and to the Jewish Persuasion. It seems to me to be an insult to both those Bodies to compare them to an Atheist. As regards the Society of Friends, allusion has been made to the late Mr. Joseph John Young. I would allude to the father and uncle of my right hon. Friend the Chief Secretary for Ireland (Mr. W. E. Forster).

More holy and devoted men than these have seldom lived, and it would be an insult to their memory to compare them to the hon. Member for Northampton. As regards the Jews, I had the honour to sit in a former Parliament with the Gentlemen mentioned before the Committee—the two Barons de Rothschild and Sir David Salomons—and all who knew them will agree with me that they were eminently qualified to sit in this House. Sir, is it desirable to admit to this House one who denies the existence of God and of a future state? The example of the United States has great influence with hon. Gentlemen opposite; but I may remind the House that the United States refused to admit the territory of Utah into the Union. I may be told that this was rather on moral than on religious grounds. I might reply that objection may be taken to the moral as well as to the religious views of the hon. Member for Northampton. I do not insist on this, because, if a man denies God and a future state, I do not see how he can be expected to be a moral man. His language must necessarily be—“Let us eat and drink, for to-morrow we die.” We are told to respect the verdict of the constituency of Northampton; I do not think the House is bound to do so. Twice has the great county of Tipperary returned men whom this House has refused to admit. I particularly refer to the case of Mr. O'Donovan Rossa, because his rejection was moved by the present Prime Minister. But, Sir, we have to look, not to the electors of Northampton, but to the people at large. I believe, if we cared to put to our constituents, apart from any question of confidence in the right hon. Gentleman I see before me, apart from any foreign or other question, a large majority of the people of England, and also of Ireland and Scotland, would say in reply to the appeal—“We will not have among our Rulers one who denies the God who is above.” Sir, on these grounds, because I believe that I am supported by the feeling of the people of England, because I am confident I express the views of that great constituency by whose favour I now stand before you; above all, because if I could assent to the proposal of the hon. Gentleman opposite (Mr. Labouchere), I should be recreant to my country, my Sovereign, and my God, I give my

strike a most fatal blow at Constitutional principles, and a still more fatal blow against civil and religious liberty; and, as a Member of the Liberal Party that had been returned in overwhelming numbers, he should most deeply regret it if the House came to such a conclusion.

Motion made, and Question proposed,

"That Mr. Bradlaugh, Member for the Borough of Northampton, be admitted to make an Affirmation or Declaration, instead of the Oath required by Law."—(*Mr. Labouchere.*)

SIR HARDINGE GIFFARD, in rising to move as an Amendment—

"That, having regard to the Reports and proceedings of two Select Committees, appointed by this House, Mr. Bradlaugh be not permitted to take the Oath or make the Affirmation mentioned in the Statute 29 Vic. c. 19, and the 31 and 32 Vic. c. 72,"

said, that there was no Member of that House, if he excepted the hon. Member for Northampton himself, who did not heartily regret that this question had been raised. So far from having any desire to interrogate anyone as to his religious belief, they should have thought it a subject of special congratulation, and might possibly have entertained the charitable hypothesis that Mr. Bradlaugh's opinions did not continue the same as they had been, if without any notice he had come to the Table and taken the Oath in the ordinary manner. In that case no question would have been raised, and every hon. Gentleman about him would have deprecated any inquisitorial proceedings as to Mr. Bradlaugh's views. But it was impossible not to see that Mr. Bradlaugh's views had been thrust upon the House, and that important distinction must be obvious to everyone. Each man was the keeper of his own conscience, and if he kept it to himself it was his own affair; but if he challenged the House of Commons to say whether he was or was not entitled to take the Oath it was impossible for the House of Commons to shield itself by saying that each man must be guardian of his own conscience. The Members of that House were the guardians of the decency and the decorum of that great Assembly, and the Member for Northampton was now shifting to them the responsibility which he might have kept to himself. He would briefly recapitulate the history of this matter. A question was addressed

to the right hon. Gentleman in the Chair, and the right hon. Gentleman in turn invited the consideration of the House to it. At the instance of the Government a Committee was appointed, and that Committee reported. They had heard something about the Report having been carried by this vote or by that. He was himself unable to understand the attributing of the Report of a Committee which reported by a majority to the vote of any particular Member. The Report was the Report of the Committee. If anybody was to go behind a decision and examine the way in which each Member voted, and proceeded to weigh in the balance the authority of each particular Member, it was obvious that, whether as regarded Courts of Law or that House, the finality of the decision was gone. It was at the instance of Her Majesty's Government that this Committee was appointed, and when the Report was presented to the House one of two courses was open to them. Either Her Majesty's Government might have challenged, if they thought proper, the Report of the Committee, or they might, as they did, follow another course. They thought it right to move for another Committee, in which case the terms of Reference assumed the accuracy of the Report made by the first Committee. And, in truth, when the House discussed at some length the appointment of the second Committee, it was pointed out that it was very desirable to have a discussion on a question of law carried on without heat in a serener and more judicial atmosphere, and that a Committee was the atmosphere in which such a question ought to be debated. While it was assumed that the first Committee had disposed of the question of the Affirmation, the question of the Oath was referred to the second Committee. That question was debated with very considerable animation on each side, and what the Committee thought right they reported; but they were asked to add to the Report a matter which had not been remitted to them; and, in fact, to overrule the decision of the first Committee, the subject matter of the first Committee's decision not being within the preamble of the Reference. He admitted it might be said—"Oh, this is not overruling the legal principle laid down by the first Committee; but this recommendation,

Judge was "satisfied that an oath would not be binding on the conscience." Mr. Bradlaugh claimed as one of those persons to be allowed to make the Affirmation; and he (Mr. Serjeant Simon) held that, when he made that claim, he was as much entitled to be allowed to affirm as any hon. Member who declared himself to be "one of the persons called Quakers." The more he had considered the subject the more convinced he had been that this was the true meaning of the Statute, and that Mr. Bradlaugh ought to have been allowed to affirm without question. But it was said that the first Committee had reported against Mr. Bradlaugh's right to affirm, and that the recommendation of the second Committee was *ultra vires*, and that it overrode the finding of the first Committee. With all submission, this was not so. The House, no doubt, was accustomed to pay respect to the Reports of its Committees, and it ought to do so. But the House was not always, or necessarily, bound by what a Select Committee had done or recommended. Reports came before them for consideration; and the House, as the ultimate judge, had, in many cases, declined to adopt them. It was asked to do so now by the Amendment of his hon. and learned Friend (Sir Hardinge Giffard) in the case of the second Committee, because that Committee, it was said, had gone beyond the scope of the Reference. He (Mr. Serjeant Simon) contended that what the second Committee had done was strictly within the scope of their authority, and did not override the finding of the first Committee. What were the matters referred to the second Committee? They were charged to inquire into the "facts and circumstances" under which Mr. Bradlaugh claimed to be sworn, and to report and advise the House as to the law and the jurisdiction of the House with reference to those "facts and circumstances." Those words, the "facts and circumstances," governed all that followed in the Order of Reference. And what were the facts and circumstances? The Order itself recites them—namely, that Mr. Bradlaugh had claimed to be allowed to affirm, and having been refused, had afterwards claimed to take the Oath. The Order, therefore, opened up the whole question again as to Mr. Bradlaugh's right to affirm, and the right of the House to

refuse to allow him to do so. The recommendation of the second Committee pointed out the "facts and circumstances" under which the decision of the first Committee was arrived at. It showed and declared their decision to be, under the circumstances, unsatisfactory. That it was carried by a majority of one, that one being the Chairman's vote, and, considering the serious matter involved, that it was a question of law of great nicety, and that a vast body of professional opinion was at variance with the finding of the first Committee, it was not overriding the judgment of the first Committee, or asking too much of the House to recommend that, if Mr. Bradlaugh presented himself again, and asked to be allowed to affirm, he should "not be prevented from so doing." The issue was a grave one; not for Mr. Bradlaugh only, but for the House itself. If Mr. Bradlaugh were not allowed either to take the Oath or affirm, he was concluded. There was no appeal from the decision of the House. On the other hand, if he were allowed to affirm, and the House was wrong in permitting him to do so, it would be open to anyone to have the question decided by the calm judgment of a Court of Law. The question before the House was a far wider question than that of an individual's right, important as that undoubtedly was. It was not Mr. Bradlaugh's right merely that they were considering; it was the right of every constituency in the Kingdom to return whom they pleased to represent them, whether the person returned was acceptable or not to Members of that House. They had no right to control the constituencies of the Kingdom, and to say that the men they sent here should be men of this or that particular pattern. Arguments had been used during these discussions—indeed, they had been employed that evening by the hon. Member opposite (Mr. R. N. Fowler), the Member for the City of London—that shocked modern opinion. The hon. Member denounces Mr. Bradlaugh as unfit to sit here because of his views on religion. It was by precisely the same kind of argument that Nonconformists, and Catholics and Jews, were formerly kept out of Parliament, and denied civil and political rights. There was not an argument against Mr. Bradlaugh's admission which had not been employed against all and each of these different

bound to take—the Oath of Allegiance, the Oath of Supremacy, and the Oath of Abjuration. Alderman Salomons came to the Table and demanded to be sworn on the Old Testament. The Speaker inquired on what ground. He said that was the form binding on his conscience. Accordingly on that statement the Old Testament was handed to him, and he proceeded to take the two Oaths of Allegiance and Supremacy. He also took the Oath of Abjuration down to the words “on the true faith of a Christian.” He omitted those words, and the Speaker interposed, stating that the Oath had not been taken according to the law. Upon that, debate arose. On that occasion the same suggestion was made which had been made here. It was suggested that the hon. Member might be allowed to sit and vote in the House subject to the penalties he would incur, and in that way the law would be determined. Lord John Russell, the then Prime Minister, protested against any such course being taken; and the then Attorney General, now the Lord Chief Justice of England, pointed out that that was not the proper course to pursue “where the House itself had a duty to perform in respect of the administration of the oath.” The Lord Chief Justice added—

“I cannot agree that the proper course would be to disobey the law in order that it may be seen whether the tribunals of the country would endorse the decision. The suggestion has actually been made that the House should give up its right of jurisdiction over matters that come within it; and, indeed, if the question of penalty were decided by a Court of Law, it could not determine the question whether a Member was entitled to sit and vote in the House, nor warrant the House in shrinking from a duty which the House is bound to perform.”

That seemed to be precisely a case in point. It appeared to him that the Committee, in the recommendation they had made, said what was tantamount to this:—Do what is unlawful, and leave it to the Courts of Justice to say whether it is right or not. If it was unlawful, it did not seem a decent course to permit what had been decided by the Committee to be contrary to law, in order afterwards to have it determined by the Courts of Law whether it was right or wrong. But there was a much more serious question behind. Suppose they permitted Mr. Bradlaugh to make Affirmation, was it quite clear that any

Court of Law could go beyond that? In the course of events he presumed that Mr. Bradlaugh would be sued for penalties, and thereupon he supposed that Gentleman would prove that he was permitted by the House to make an Affirmation. Putting that fact even as a question for a jury, would it not be very pregnant evidence that he was one of those persons in respect of whom the Statute permitted an Affirmation to be made? And how were they going to get beyond that evidence? Mr. Bradlaugh had, on more than one occasion before the Committee, availed himself of his power to decline to answer certain questions, and in an action every presumption would be made in his favour, and not a single question tending to substantiate the action could be put to him if he objected. How could they go behind that? What facts were they to prove? Had they arranged who was to be the plaintiff? Was it all arranged that there was to be a special case stated between the parties? He had not heard of any such arrangement, and, so far as he could gather from the proceedings of the Committee, he very much doubted whether Mr. Bradlaugh was disposed or bound to afford them any information. Was the House going to make a bargain with Mr. Bradlaugh? Was the House going to say to him—“If we allow you to make an Affirmation, will you state the facts in a special case to help us to have the law decided?” But there was a more important question still; for, when the unlawful thing was done, it was provided that the seat should be declared vacant. Who was to decide that question? Was the House to wait until the court of first instance, or peradventure the House of Lords, had decided, before it presumed to exercise its own peculiar function, any interference with which it resented from all other jurisdictions. They had been told they might have an action brought against their own officer for refusing to permit Mr. Bradlaugh to make Affirmation; but the duty was not imposed on Sir Erskine May, but on the Member himself, of taking the Oath or making Affirmation. The section of the statute said—“the Oath shall be solemnly and publicly made and subscribed by every Member” before he took his seat; and the 4th section provided that if any Member without

Sir Hardinge Giffard

having made and subscribed the Oath should take part in debate or vote he should be subject to a penalty and his seat should be vacated in the same manner as if he were dead. Then they would have this whole debate over again on the question of the issue of the Writ. In these circumstances they were entitled to ask what was the intention of the Government? Were they in favour of the Motion or Amendment which had been placed on the Paper? He admitted that there was a remedy that could be applied. That remedy was legislation—legislation of the kind which was adopted when Sir David Salomons could not take his seat. The House on that occasion, under the leadership of Lord John Russell, positively declined to shrink from its plain straightforward obligations, or still less to be controlled by the action of third parties in Courts of Law. If ever there was an *a fortiori* case it was the one with which Lord John Russell was then dealing. His Lordship objected to the law as it was laid down by the lawyers. He was taunted again and again by his own followers that he would not allow Sir David Salomons to do that which would raise the question in the Courts of Law. He said—

“The first example we have to set is that of obedience to the law, and whatever we may think of the policy or expediency of the particular law that we complain of, or of what in our view is natural justice—the view I submit to the House of Commons is this, that we should ourselves be the first to set the example of obeying the law, and leave the Legislature to remedy that which is supposed to be unjust.”

The hon. and learned Gentleman concluded by moving the Amendment of which he had given Notice.

MR. R. N. FOWLER: Mr. Speaker, It has been said that this is a delicate question. Sir, it seems to me to be not merely a delicate but a solemn question. The question before the House is, whether a man who denies the common God of Jew and Christian is to be permitted to sit in this House? Reference has been made to the Society of Friends and to the Jewish Persuasion. It seems to me to be an insult to both those Bodies to compare them to an Atheist. As regards the Society of Friends, allusion has been made to the late Mr. Joseph John Young. I would allude to the father and uncle of my right hon. Friend the Chief Secretary for Ireland (Mr. W. E. Forster).

More holy and devoted men than these have seldom lived, and it would be an insult to their memory to compare them to the hon. Member for Northampton. As regards the Jews, I had the honour to sit in a former Parliament with the Gentlemen mentioned before the Committee—the two Barons de Rothschild and Sir David Salomons—and all who knew them will agree with me that they were eminently qualified to sit in this House. Sir, is it desirable to admit to this House one who denies the existence of God and of a future state? The example of the United States has great influence with hon. Gentlemen opposite; but I may remind the House that the United States refused to admit the territory of Utah into the Union. I may be told that this was rather on moral than on religious grounds. I might reply that objection may be taken to the moral as well as to the religious views of the hon. Member for Northampton. I do not insist on this, because, if a man denies God and a future state, I do not see how he can be expected to be a moral man. His language must necessarily be—“Let us eat and drink, for to-morrow we die.” We are told to respect the verdict of the constituency of Northampton; I do not think the House is bound to do so. Twice has the great county of Tipperary returned men whom this House has refused to admit. I particularly refer to the case of Mr. O'Donovan Rossa, because his rejection was moved by the present Prime Minister. But, Sir, we have to look, not to the electors of Northampton, but to the people at large. I believe, if we cared to put to our constituents, apart from any question of confidence in the right hon. Gentleman I see before me, apart from any foreign or other question, a large majority of the people of England, and also of Ireland and Scotland, would say in reply to the appeal—“We will not have among our Rulers one who denies the God who is above.” Sir, on these grounds, because I believe that I am supported by the feeling of the people of England, because I am confident I express the views of that great constituency by whose favour I now stand before you; above all, because if I could assent to the proposal of the hon. Gentleman opposite (Mr. Labouchere), I should be recreant to my country, my Sovereign, and my God, I give my

bodies. He (Mr. Serjeant Simon) remembered well how they were employed against the admission of his own community. It was the spirit of such arguments that lighted the fires of Smithfield, and established the Inquisition in Spain. He (Mr. Serjeant Simon) had, and could have, no kind of sympathy with Mr. Bradlaugh or his opinions. He condemned and deplored them. But he held the right of conscience to be the most sacred of all human rights, and whether a man believed much, or little, or nothing at all, rested upon precisely the same common ground, the right of each man to determine for himself in matters of religion. To attempt to limit this right was to deny it altogether. To impose disabilities, or to punish a man, by withholding civil or political rights, because of his opinions, was a power which he (Mr. Serjeant Simon) could not concede to any man, or body of men. He (Mr. Serjeant Simon) belonged to a race that had suffered more than any other for the sake of conscience, and, in many parts of the world, they suffered still. He, for one, would never use the rights he enjoyed as an Englishman to exclude another from equal participation in those rights. Least of all would he, because of his own religious convictions, by word or deed, join with those who would invade the sacred domain of conscience, and deny the right of private judgment.

MR. WARTON asked, "Where are we now?" The Attorney General, as representing the Government, had taken credit to himself for accepting the decision of the first Committee; and he wished to know whether it was at the instigation or with the sanction of Her Majesty's Government that the second Committee had appended to its Report the recommendation that Mr. Bradlaugh should be permitted to affirm—a matter which in no way entered into the scope of its inquiry? He hoped, and indeed believed, that the House, and especially the Liberal Members of it, would pause when they considered what a terrible effect would be produced in the country by voting in favour of the Motion which would admit Mr. Bradlaugh to the House. He agreed with the hon. Member for the City of London (Mr. R. N. Fowler), who seconded the Amendment, that the question was one of religion, and that if it were put to a vote

of the country there would be a far larger majority against the Motion than that which returned the Liberal Party to power at the recent Election. The right hon. Gentlemen he saw opposite him (Mr. Gladstone and Mr. John Bright) were religious men, and he hoped they would not on the present occasion throw their shields over an infidel and a blasphemer. There was an assumption on the part of Mr. Bradlaugh's supporters that an infidel had a conscience—an assumption which he denied not only on broad grounds, but on the very derivation of the word, which implied a knowledge of some One with us, or the light of God in our own nature. In conclusion, he begged that every Member of the House who believed in God would vote against the "fool who hath said in his heart there is no God."

MR. WHITBREAD wished to remind hon. Members opposite of a fact which they had apparently forgotten, which was that when the first Committee in reference to this matter was appointed it was distinctly understood that the Report of the Committee was in no sense to decide the question, but was simply to be a means of affording information to the House to enable the general body of Members to arrive at a decision on a very difficult question. Then, again, it was sought to make the Government responsible for the course which had been pursued by the second Committee. Let them not forget that the Leader of the House proposed to appoint as the second Committee the very same Gentlemen who had formed the first. If that course had been followed it was but reasonable to suppose that the Committee would have come to a similar conclusion. But it was at the instigation, and at the express wish of the Leader of the Opposition, that new names were added, and that if a Report different from that anticipated had come out, it was rather hard to throw the responsibility on the Government. The hon. and learned Member for Launceston (Sir Hardinge Giffard) also based a considerable portion of his argument on the erroneous assumption that the Report of the first Committee had decided the law of the case, but admitted that the question was one of law. If this last proposition were true, which he (Mr. Whitbread) admitted, surely no tribunal could be so competent to decide it as the Law Courts.

Mr. Serjeant Simon

But he feared that the question was one which involved a wider issue, and therefore regretted the course into which the House was allowing itself to be led. He was one of those who thought it was wrong to prevent Mr. Bradlaugh taking the Oath when he came to the Table. He, having looked as carefully as he could through the precedents as stated by Sir Erskine May, had not been able to find one which supported the view taken by those who supported the view embodied in the Amendment, and which would prevent a man taking the Oath for which he tendered himself, or, indeed, from submitting himself to any test which the law prescribed. Before the repeal of the Test and Corporation Acts it was required that every man selected for a municipal office should take the Holy Sacrament—a much more solemn matter than making an Affirmation; but he knew of no case in which a man who presented himself to take the Sacrament was refused. The whole effect of the precedents before them was this—that when a Member was willing to comply with the Forms of the House as prescribed by law he was not liable to be questioned by any man. It had been said by the learned ex-Solicitor General, as had been stated before by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) the other night, that if Mr. Bradlaugh had come to the Table and asked to be sworn without bringing to the notice of the House his objection to take the Oath, they and the House would have most willingly allowed him to do so. That he considered a very astounding statement. But now they said the conscience of the House was aroused. Was it necessary, then, that the conscience of the House should have a flapper to awaken it to action? Surely the opinions of Mr. Bradlaugh were just as well known before he was elected as they were after he wrote a letter to a newspaper declaring what they were. Yet it was said that the conscience of the House might have slept but for Mr. Bradlaugh's letter and his claim to affirm. For his part, he did not understand a conscience of that kind, and he hoped it was not possessed by a majority of hon. Members. But how was the conscience of the House to be brought into play in the future? If someone who openly avowed opinions like those

of Mr. Bradlaugh were returned to the House and, coming to the Table, required to be sworn, was the conscience of the House to be allowed to slumber in that case? It seemed to him that hon. Gentlemen opposite were trying to establish a most painful precedent, because the rule now to be adopted must be applied to future cases. Was the House to say—"We will not raise that question because the Member himself had not raised it?" But what were they going to do in the case of Petitions? Surely the conscience of the House would not slumber when the Clerk at the Table had been called upon to read a long Petition pointing out facts of this kind. He wished to call attention to these considerations, because he did not wish to go behind the simple test which the law prescribed. The test was one for individuals, and the acceptance of it was for individuals alone. He did not think the House was qualified or had the right to go behind the conscience of any man who came forward and expressed his readiness to take the test in the same words as the others and without any addition or qualification. The precedent of Sir David Salomons was a most unfortunate one, as he wanted to omit certain words altogether. It would have been wise not to have raised this question. He did not dispute the power of the House to act in the way proposed. Its powers within its four walls were unlimited, but he did dispute that it was a constitutionally right course; and there was a domain into which he denied its right to enter—the domain of conscience. He felt confident that time would show that it would have been wise not to raise the question. He was asked to set aside every precedent and the history of centuries, and, in a generation which might almost have made its boast that it had lived to see the last shackles cast off conscience, to join in the course proposed by the Amendment. If he had been asked to write off some test, to take some step in furtherance of freedom, he had not such a worship of precedents that he would refuse to do so; but he was asked to take an opposite course, to which he could not consent to be a party.

COLONEL BURNABY could not give his voice in favour of Mr. Bradlaugh being allowed to come to the Table and make a solemn Affirmation or take the

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Oath. Oaths were established by God, who, they read, swore by Himself, because He could swear by no greater. He hoped the House would pause before it glided into an error which would reflect, directly or indirectly, on one-seventh of the world's inhabitants—he meant the British Empire. If Mr. Bradlaugh were permitted to take the Affirmation it would pollute the Affirmation now taken by all men who believed in God. There was a remarkable passage in Dean Swift which said—

“A man called to any office of trust is bound by oath to faithfully discharge its duties, and that oath ceases to be valid except in the case of those who believe that a Divine Being exists.”

They all knew that Mr. Bradlaugh did not believe in the existence of a Divine Being; and, therefore, he protested against his being allowed to take an Oath or make an Affirmation which would have no binding effect upon him; and he was glad to hear that there was no precedent for such a course as that. An oath was an affirmation of negation or promise corroborated by attestation of the Divine Being; and he, for one, objected to the air of the House being stained by Mr. Bradlaugh being allowed so to swear or affirm.

MR. HINDE PALMER said, he had not brought forward the Motion of which he had given Notice because, among other reasons, it could have no immediate effect, and an Act of Parliament would be required to carry it out. But the more he saw of the discussion the more he was convinced that the course he had proposed was by far the best that could be adopted. All that was required was a solemn pledge of allegiance, and that would be best provided for by being put at the head of the Parliamentary Roll to be signed by every Member. It was his intention to vote for the proposition of the sitting Member for Northampton (Mr. Labouchere), because he had a firm conviction that Mr. Bradlaugh was entitled by the law, as it stood, to take his seat. The admirable speech of the hon. Member for Bedford (Mr. Whitbread) must have convinced the House that it had no right to intervene between Mr. Bradlaugh and his taking the Oath or Affirmation; and he maintained that according to the fair interpretation of the Act, Mr. Bradlaugh was one of the persons permitted by law to make an Affirmation in lieu of an Oath.

Colonel Burnaby

MR. J. G. HUBBARD reminded the House that in every one of the cases which had been cited a scruple to take the Oath had arisen in the mind of the person who objected, and who was subsequently relieved. But that was a totally different thing from the case which unfortunately now occupied the House. He assured the House that hon. Members on his side of it were as fully in favour of religious liberty as hon. Members opposite, and as fully alive to the propriety of not tying people down to one particular form of oath or affirmation. Nobody on his side of the House was disposed to act the part of inquisitor either in connection with morals or religion, and Gentlemen returned to Parliament had up to the present been unchallenged by Members of the Opposition when offering to take the Oath at the Table. In this case, however, they were not permitted to leave unnoticed the person desiring to be enrolled among them; for had not Mr. Bradlaugh first of all declared that the Oath was obnoxious to him, and then placed his opinion on record in his letter printed in the newspapers? He was of opinion that Mr. Bradlaugh's manner of dealing with the question before them was not quite honest and straightforward. They had, in fact, to deal with a person who, in the first place, declared that he could not make a solemn asseveration, but afterwards said that he would make it, in order to obtain his object. Did not such behaviour smack of untruth and gross hypocrisy? He hoped the House would refuse to make itself the accomplice of Mr. Bradlaugh in this matter. The person upon whose behalf they were invited to change the laws of the country, by those who said “Do away with Oaths and Affirmations,” had shown to the House that he disregarded truth, and knew no arbiter but his own will. He contended that, while giving every possible latitude to different religions or persuasions, a civilized country could not permit the abrogation of the ties and obligations which were the only security for the maintenance of order and the observance of truth.

SIR HENRY JACKSON said, that the hon. and learned Member for Launceston (Sir Hardinge Giffard) had pushed his case to the length of saying that the law had been definitively declared by the Report of the Select Committee, and

that the proper course for the Government now to take would be to introduce new legislation, with the special object of letting Mr. Bradlaugh take his seat. But did the House think the hon. and learned Member would have made that suggestion unless he had a well-founded hope that he and his friends would be able to stop such legislation if it were proposed? He (Sir Henry Jackson) gave him credit for perceiving that the difficulty of the position was such that either side or either Government might not unreasonably shrink from altering the law to meet the particular case; and he asserted that the real question before the House was, not whether some Government at some time or another was to undertake the heroic task of altering the existing law, but whether, according to the law as it stood at present, Mr. Bradlaugh was or was not entitled to come to the Table and make the Affirmation. He was aware that the Select Committee had reported against Mr. Bradlaugh having that right; but he also remembered that, during the debate which led to the appointment of the Committee, no one was louder in his protests that its finding would not be binding on the House than the hon. and learned Member. He (Sir Henry Jackson), like his hon. and learned Friend in the former debate, contended that the House was not bound to follow the Report of that Committee, if it did not commend itself to the judgment of the House. The House need not shrink from the consideration of the whole question, either as one of public policy, or on the narrower ground of the construction of the Act of Parliament. On the broad question of policy, he thought it was remarkable that in the year 1880 hon. Members of the House should be found boldly asserting that a new fetter should be imposed on the ground of religious belief or of the absence of religious belief, and actually avowing their determination to refuse a man the right of sitting in that House on such grounds. When Parliament had enacted that the fact of a witness not entertaining any religious belief should no longer be an impediment to the reception of his evidence in the most important questions involving life and death, social status, character, or property, surely it was no longer possible to refuse to apply the same principle to hon. Members of that House. His

own feeling always was that the greater the value attached to the obligation of an oath, the greater was the danger of diminishing by contrast the value attaching to a man's simple word. But that was a wide question, into which it was not necessary to enter. For, in fact, the Legislature had already determined the question with which the House was then concerned. What was the object of the Parliamentary Oath as required by the Statute of 1866? For whose benefit was it intended? For that of the House? Was it to be in the nature of a test? Surely not. Its intention was to assure the Queen to the extent to which an Oath would give such assurance that every person taking his seat in the House should promise to bear her true allegiance according to the law. It was intended for the benefit of the Sovereign, and she alone was entitled to claim the benefit of the Oath. It was never intended to be a test, social or religious, for admission into the House. It was assumed by the Legislature that the majority of hon. Members would take the Oath; but it provided for the case of subjects of the Queen who, desirous of giving her true allegiance, might yet shrink from taking the Oath. The result, therefore, of preventing any Member from either making the Affirmation or taking the Oath, would be to deprive the Sovereign of a Declaration of Allegiance proffered by a subject elected as a Member of the Body appointed by the Constitution for the purpose of legislating for the Realm, and obviously the more doubtful the allegiance of any particular subject, the more important to the Sovereign would be the declaration of that allegiance by such a subject. The particular case then before the House had not before arisen. He had never thought that Mr. Bradlaugh should be allowed to take the Oath; but he had all along held the opinion which he had expressed in the Select Committee, that he should be allowed to affirm. He thought the Oath excluded the Affirmation and the Affirmation the Oath; but one or other must be available for every elected Member. His hon. and learned Friend the Member for Launceston had said that the second Committee had taken an improper course in advising the House to allow Mr. Bradlaugh to do what he called break the law in order to enable a legal tri-

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MR. HINDE PALMER said, he had not brought forward the Motion of which he had given Notice because, among other reasons, it could have no immediate effect, and an Act of Parliament would be required to carry it out. But the more he saw of the discussion the more he was convinced that the course he had proposed was by far the best that could be adopted. All that was required was a solemn pledge of allegiance, and that would be best provided for by being put at the head of the Parliamentary Roll to be signed by every Member. It was his intention to vote for the proposition of the sitting Member for Northampton (Mr. Labouchere), because he had a firm conviction that Mr. Bradlaugh was entitled by the law, as it stood, to take his seat. The admirable speech of the hon. Member for Bedford (Mr. Whitbread) must have convinced the House that it had no right to intervene between Mr. Bradlaugh and his taking the Oath or Affirmation; and he maintained that according to the fair interpretation of the Act, Mr. Bradlaugh was one of the persons permitted by law to make an Affirmation in lieu of an Oath.

Colonel Burnaby

MR. J. G. HUBBARD reminded the House that in every one of the cases which had been cited a scruple to take the Oath had arisen in the mind of the person who objected, and who was subsequently relieved. But that was a totally different thing from the case which unfortunately now occupied the House. He assured the House that hon. Members on his side of it were as fully in favour of religious liberty as hon. Members opposite, and as fully alive to the propriety of not tying people down to one particular form of oath or affirmation. Nobody on his side of the House was disposed to act the part of inquisitor either in connection with morals or religion, and Gentlemen returned to Parliament had up to the present been unchallenged by Members of the Opposition when offering to take the Oath at the Table. In this case, however, they were not permitted to leave unnoticed the person desiring to be enrolled among them; for had not Mr. Bradlaugh first of all declared that the Oath was obnoxious to him, and then placed his opinion on record in his letter printed in the newspapers? He was of opinion that Mr. Bradlaugh's manner of dealing with the question before them was not quite honest and straightforward. They had, in fact, to deal with a person who, in the first place, declared that he could not make a solemn asseveration, but afterwards said that he would make it, in order to obtain his object. Did not such behaviour smack of untruth and gross hypocrisy? He hoped the House would refuse to make itself the accomplice of Mr. Bradlaugh in this matter. The person upon whose behalf they were invited to change the laws of the country, by those who said “ Do away with Oaths and Affirmations,” had shown to the House that he disregarded truth, and knew no arbiter but his own will. He contended that, while giving every possible latitude to different religions or persuasions, a civilized country could not permit the abrogation of the ties and obligations which were the only security for the maintenance of order and the observance of truth.

SIR HENRY JACKSON said, that the hon. and learned Member for Launceston (Sir Hardinge Giffard) had pushed his case to the length of saying that the law had been definitively declared by the Report of the Select Committee, and

that the proper course for the Government now to take would be to introduce new legislation, with the special object of letting Mr. Bradlaugh take his seat. But did the House think the hon. and learned Member would have made that suggestion unless he had a well-founded hope that he and his friends would be able to stop such legislation if it were proposed? He (Sir Henry Jackson) gave him credit for perceiving that the difficulty of the position was such that either side or either Government might not unreasonably shrink from altering the law to meet the particular case; and he asserted that the real question before the House was, not whether some Government at some time or another was to undertake the heroic task of altering the existing law, but whether, according to the law as it stood at present, Mr. Bradlaugh was or was not entitled to come to the Table and make the Affirmation. He was aware that the Select Committee had reported against Mr. Bradlaugh having that right; but he also remembered that, during the debate which led to the appointment of the Committee, no one was louder in his protests than its finding would not be binding on the House than the hon. and learned Member. He (Sir Henry Jackson), like his hon. and learned Friend in the former debate, contended that the House was not bound to follow the Report of that Committee, if it did not commend itself to the judgment of the House. The House need not shrink from the consideration of the whole question, either as one of public policy, or on the narrower ground of the construction of the Act of Parliament. On the broad question of policy, he thought it was remarkable that in the year 1880 hon. Members of the House should be found boldly asserting that a new fetter should be imposed on the ground of religious belief or of the absence of religious belief, and actually avowing their determination to refuse a man the right of sitting in that House on such grounds. When Parliament had enacted that the fact of a witness not entertaining any religious belief should no longer be an impediment to the reception of his evidence in the most important questions involving life and death, social status, character, or property, surely it was no longer possible to refuse to apply the same principle to hon. Members of that House. His

own feeling always was that the greater the value attached to the obligation of an oath, the greater was the danger of diminishing by contrast the value attaching to a man's simple word. But that was a wide question, into which it was not necessary to enter. For, in fact, the Legislature had already determined the question with which the House was then concerned. What was the object of the Parliamentary Oath as required by the Statute of 1866? For whose benefit was it intended? For that of the House? Was it to be in the nature of a test? Surely not. Its intention was to assure the Queen to the extent to which an Oath would give such assurance that every person taking his seat in the House should promise to bear her true allegiance according to the law. It was intended for the benefit of the Sovereign, and she alone was entitled to claim the benefit of the Oath. It was never intended to be a test, social or religious, for admission into the House. It was assumed by the Legislature that the majority of hon. Members would take the Oath; but it provided for the case of subjects of the Queen who, desirous of giving her true allegiance, might yet shrink from taking the Oath. The result, therefore, of preventing any Member from either making the Affirmation or taking the Oath, would be to deprive the Sovereign of a Declaration of Allegiance proffered by a subject elected as a Member of the Body appointed by the Constitution for the purpose of legislating for the Realm, and obviously the more doubtful the allegiance of any particular subject, the more important to the Sovereign would be the declaration of that allegiance by such a subject. The particular case then before the House had not before arisen. He had never thought that Mr. Bradlaugh should be allowed to take the Oath; but he had all along held the opinion which he had expressed in the Select Committee, that he should be allowed to affirm. He thought the Oath excluded the Affirmation and the Affirmation the Oath; but one or other must be available for every elected Member. His hon. and learned Friend the Member for Launceston had said that the second Committee had taken an improper course in advising the House to allow Mr. Bradlaugh to do what he called break the law in order to enable a legal tri-

bunal to give its decision on the question. But he (Sir Henry Jackson) ventured to say that the second Committee had, upon a more mature consideration of the question as a whole, come to the conclusion that the first Committee had arrived at an erroneous result, and that what they recommended to be done would be to obey and not to break the law. Did anyone seriously believe that the Legislature intended any such consequence as that a man should neither be allowed to take the Oath nor to affirm? Even his hon. and learned Friend had not ventured to say that, but had said that that question was arguable. It was difficult to imagine any question which a lawyer would admit to be incapable of argument. But supposing that the point were doubtful, or even that on the strict construction of the Statute a man required either to take the Oath or to Affirm, could do neither one nor the other, was it not evident that such a result was simply a *casus omissus*? After what had occurred with respect to the Rothschilds and Salomons of a former generation, it could never have been intended that anyone should be excluded from that House on the ground of his religious opinions. The wording of the Act of Parliament was so clearly prospective and elastic that one could not doubt that the Legislature thought that every possible case which could arise had been met, and that it intended to enact by words comprehending every person who, by reason of religious convictions, or absence of religious convictions, had been theretofore debarred from giving testimony in a Court of Justice, but who, by past or future legislation, was, or might be, relieved from that bar; that in the future every person so relieved from taking an oath in a Court of Justice should in like manner be relieved in that House, and if he objected to taking an Oath might at once come into the alternative category and take his seat in the House by making an Affirmation and not by taking the Oath. He maintained that whether they looked upon this matter as a question of public policy, or as one simply of the construction of the Act of Parliament, it was right that Mr. Bradlaugh should be allowed to affirm. He had been struck with, and thought it only right to bear testimony to, the candid manner in which Mr. Bradlaugh had given his evidence before the

Sir Henry Jackson

Select Committee. For his own part, he had no hesitation in saying, according to the best judgment he could form, that if Mr. Bradlaugh was allowed to make Affirmation, he would not only not be breaking the law, but he would be obeying it. If the law allowed Mr. Bradlaugh to make Affirmation in a Court of Justice no sound reason could be urged for refusing him that privilege in the House of Commons.

MR. BERESFORD HOPE said, his hon. and learned Friend (Sir Henry Jackson), with his usual ingenuity, had tried to gloss over the profoundly illogical position in which the Report of the Committee had placed them. The House was not now confronted by a single difficulty; it had to deal with two distinct difficulties, which, though depending on each other, had a different origin and should be treated differently. There was the difficulty created by the perverse mental conformation of Mr. Bradlaugh, owing to which he tried to make his own admission to that House as difficult as possible by way of testing extreme conclusions; while the other difficulty was that in which they had been landed by the rash cowardice or cowardly rashness of the last Committee that sat. That Committee had a wide field thrown open to it; but, not satisfied with that, it went beyond the draft Report submitted by the Chairman, and in doing so it travelled over perfectly irrelevant ground. It invited the House to bring down a *Deus ex machinâ*—the beneficent divinity of the Greek drama—in order to settle the question. That *Deus ex machinâ* was a common informer. It invited the House to invite Mr. Bradlaugh to go to the Table and to do that which the first Committee said he should not do—to make an Affirmation—in order that an action might be brought against Mr. Bradlaugh. That was a roundabout, contemptible way of meeting the difficulty. He had seen such extraordinary things that Session that he came to be surprised at nothing. They had been treated to many scenes, like the transformation in a pantomime; they had clauses turned into Bills, and Bills brought in without names; but this proposal of the Committee—a supremely ridiculous, contemptible, and unworthy conclusion—invited that unfortunate man, the still unseated Member for Northampton, to subject himself to a

harassing prosecution and a heavy fine, beside the loss of the seat to which he had been elected, all, forsooth, to try a legal point. That was the conclusion to which they were invited; but it was so supremely contemptible and unworthy of the matter, that he (Mr. Beresford Hope) shrunk from its adoption. As to precedents, there were none, and why? Because no man ever came forward to put himself in the position in which Mr. Bradlaugh had placed himself. When Mr. Bradlaugh came to the Table he made his first clever move in a deep game, or he made his first blunder. He made two appearances before the Committee, and he was listened to attentively; and the object of his second appearance became plain—he saw that he had got into the meshes of the Affirmation Act. Then, again, there was Mr. Bradlaugh's own letter, in which he explained why, and how, and in what sense he would take the Oath. The Committee unanimously called upon Mr. Bradlaugh to produce the letter. The hon. and learned Baronet the Member for Coventry had passed a warm eulogium on Mr. Bradlaugh's candour before the Committee; but he (Mr. Beresford Hope) must point out that Mr. Bradlaugh struggled against the production of that letter. ["No, no!"] The room had to be cleared, and a Resolution put, and then Mr. Bradlaugh had the sense to produce the letter. But Mr. Bradlaugh wished to exclude everything outside of that House. He should not read passages from the letter to the House; he would not do it the ill compliment of assuming that these passages were not ringing in their ears. He made no doubt that an Affirmation would be as solemn and equally binding on Mr. Bradlaugh as an Oath. He quite believed that. Therefore the case stood thus—Mr. Bradlaugh was self-excluded from the Affirmation, and self-excluded also from the Oath. Some hon. Gentlemen had ingenuously suggested that the passing of a Bradlaugh Relief Act would be a troublesome, a lengthy, and an uncertain process; and, as the great object was the bringing in of Mr. Bradlaugh, the only alternative was that the House of Commons should make itself an accomplice to a possible breach of the law, conspiring to put Mr. Bradlaugh in a position which would make him either a Member of Parliament or a man who was heavily amerced and who

lost his seat. And why were they to do all that? They had heard much of the right of the constituencies to return whom they liked. He granted that as a general principle; but then it must be remembered that a fallacy often lay under a general principle: *Latet dolus in generali-bus*. And if that was true in any case it was true in this matter. The constituency had power to return to the House whom they pleased; but the House fenced that power with the condition that the man so returned should be qualified to sit. A minor, for instance, might make a better Member than many men of full age; but the House firmly refused to let him take his seat. Again, an alien who was not naturalized might be the most eminent statesman in the world; but the House sternly refused to let him take his seat. Their more recent legislation had not taken away restrictions, but had multiplied them. Every morning they looked at the election column of *The Times* to see who was out that day. And what was the meaning of that? It was that men mostly reported by the Judges to be men of high honour, of high integrity, many of them well fitted to be in that House, had, by the misconduct of two or three blackguards acting against their wishes and orders, been made unconscious accomplices in acts of bribery which voided the election. They might have been returned by a majority of 1,000; yet if but one such act of bribery was proved, the 999 other votes went for nothing. The majesty of the law and the dignity of Parliament had to be vindicated. The constituency might tear their hair at the loss of a cherished Representative, but out he went. That was an evidence that the general principle that the constituency could choose whom it liked was not an absolute and irrefragable rule. The House of Commons had declared that the effect of an act of bribery, committed behind a man's back, and against his knowledge or his wish, stripped him of the quality of being a Member. Now, Mr. Bradlaugh, as he (Mr. Beresford Hope) contended, had stripped himself by his own act of the quality of being a Member. When the constituency of Northampton returned him it was to be presumed that they returned him as a man who was ready and willing to go through the process which the law recognized as necessary to enable him to sit for that

borough. And what had he done? He had shut the door against himself by his appearances and his acts in that House, by his letter to the newspapers, by his silence in one place and his utterances in another. He had disqualified himself from either affirming or swearing—the only two doors of entrance into that House. He had more absolutely disqualified himself than the Members of various boroughs with whose unhappy fate they all so deeply sympathized; and it would be just as logical to rehabilitate the Members for Canterbury, Gravesend, Wallingford, and so forth, as to try, either by a conspiracy with the informer or by a brand-new Act of Parliament, to seat the self-disqualified Member for Northampton. No doubt it was to be regretted that Northampton should be deprived of one of its Representatives; but there were some things of even greater importance than the satisfaction of that constituency. There were the honour of Parliament and the moral sense of Parliament to be considered; and rather than that honour should be tarnished and that moral sense blunted, it would be ten thousand times better that Northampton should remain unsatisfied.

MR. HOPWOOD said, that with reference to the grounds upon which the right hon. Gentleman opposite (Mr. Beresford Hope) assumed to be the defender of Christianity in the case now before the House, he (Mr. Hopwood) had no doubt he had opposed on the same grounds the admission of Dissenters to Parliament.

MR. BERESFORD HOPE explained that the hon. and learned Gentleman was in error. He was only 8 years old when the Test and Corporation Act was repealed.

MR. HOPWOOD said, the right hon. Gentleman had lived a long life since and had not learned much, whilst he had forgotten less. There was a time when the Christianity which the right hon. Gentleman claimed to represent would have kept out the Jews, and even have burned them. With regard to Mr. Bradlaugh's conduct before the Committee in reference to his letter to the newspapers, he (Mr. Hopwood) maintained, in opposition to the right hon. Gentleman, that Mr. Bradlaugh had pursued a justifiable and even a manly course. Mr. Bradlaugh said that they

ought not to judge him by anything except that which had taken place in the House, and had explained that his letter to the newspapers was an extra-Parliamentary utterance, written in consequence of the many misrepresentations to which he had been subject, and which were the most severe, cruel, and abominable that it had been his (Mr. Hopwood's) lot to hear spoken in that House of an absent man. Questions might be asked as to his own consistency. When acting on the first Special Committee, he formed the opinion that Mr. Bradlaugh had no right to make an Affirmation. He still said so; but now he was convinced that his single vote did Mr. Bradlaugh an injustice, inasmuch as the latter had a right to test legally the question at issue. He, therefore, now shrank from the responsibility of preventing by his single vote that Gentleman from trying the question of his right before a legal tribunal. He entertained a strong feeling that the hon. Member had a legal right to take the Oath, for it was admitted that no one was legally entitled to administer it; and, therefore, no one had a right to object to its being taken. The precedent which it was sought to set would justify an inquiry into the religious belief or fitness of the hon. Members for Greenwich, Portsmouth, or any other hon. Gentleman who might present themselves to take the Oath, and if they did so, it would enable hon. Members to say—"I ask to know the attitude of that man's mind; I don't believe he can take the Oath conscientiously." ["No, no!"] Hon. Gentlemen opposite could not say that before Mr. Bradlaugh came to the Table they did not know his opinions; and yet they now said that if he had not thrust those opinions on the House they would not have objected to his taking the Oath. In other words, they said—"Mr. Bradlaugh, if you had come to the Table with a lie on your lips, we would have allowed you to be sworn." ["No, no!"] He (Mr. Hopwood) challenged any man to say that if Mr. Bradlaugh had presented himself to take the Oath anyone would have got up and said—"That man is a blasphemer." He declined to believe in the sincerity of an assertion which amounted to a declaration that hon. Gentlemen opposite would have tacitly assented to what they regarded as an act of blasphemy. He

Mr. Beresford Hope

the Government had failed in its duty in not taking action in the matter. The Government had had no opportunity of taking action. The day after the Committee had agreed to its Report, Mr. Bradlaugh withdrew his claim to make an Affirmation and applied to take the Oath. Fresh circumstances thus immediately arose, and fresh considerations had to be applied. It was impossible that there should be dissent on the part of the Government from the opinion of the first Committee, which was merely to advise the House, and which no one had attempted to act upon. It was in the year 1562 that an Oath was first imposed, and then it was intended, not as a religious test, but to mark that the Sovereign of the Realm, and not the Pope, was the head of the Church. The tendency of recent legislation as to the taking of oaths in Courts of Justice had been to make concessions. In 1854 all persons who objected to take an oath as being repugnant to their religious belief were allowed to affirm; and in 1868 another important advance was made, as then everybody who could assert that the taking of an oath was not binding on his conscience was permitted to make an affirmation. Meanwhile Parliament had done with regard to itself what it had already effected with reference to Courts of Law. It had allowed Quakers and others to make an Affirmation. As to the class of persons who were entitled to affirm, it appeared to him that the 4th section of the Act of 1866 provided, in effect, that the same power to make an affirmation which was given to witnesses in Courts of Justice should be extended to Affirmations made in the House, and the class of persons who were to exercise that power were those who, on ordinary occasions, when called upon to take an oath, might be entitled to affirm in place of it. He could not understand why full effect should not be given to a statute which, although a statute of procedure, was also an enabling statute. He could not agree with his hon. and learned Friend the Member for Preston (Sir John Holker) in his narrow construction of the statute. He believed that it was intended by the statute to admit to that House, on making an Affirmation, all those who in any other circumstances were allowed by law to make an affirmation instead of taking an oath. That

was his view of the statute, although, doubtless, much might be said in opposition to it. But he did not wish to argue the question, as a technical question, as to the mere construction of the Act. He would not say, in such a matter, that he was necessarily right and that others must be wrong. There had been great difference of opinion on that subject. But the question arose how this House was going to deal with the advice of the Committee? He thought it would be more convenient that the House should follow that advice than shut a Member out of that House. It was notorious that the first Committee appointed by the House to inquire into this question were pretty equally divided in opinion; and if it were insisted that their views ought to be acted upon, he asked whether the opinion of the majority or that of the minority ought to be accepted? He thought there was a fallacy in arguing that the House was about to delegate its functions to a Court of Law. Reference had been made to the difficulty which, it was said, had been created by the precedent of 1851; but, in his (the Attorney General's) opinion, there was none, as the hon. Member on that occasion had refused to take the Oath in form, for he left out the words "on the true faith of a Christian." If there were no doubt about the question they should not ask for a decision of a Court of Law in reference to it. It was because the question was so doubtful, and because lawyers who had made the study of the law their daily occupation could not agree, and because the bulk of the House must find a greater difficulty in determining the question, that it ought to be brought before a tribunal which could pronounce an authoritative decision upon it. He was not seeking to deprive the House of its functions. The Legislature had, in 1866, settled the mode of arriving at a binding decision, and it was too late now to question the propriety of affording an opportunity to the Courts of Law of giving a decision on the question now raised. The Motion did not seek to introduce any mode of procedure, or to establish any new principle. If Mr. Bradlaugh had come to the Table and been allowed, without question, to make an Affirmation, that fact would not have deprived the Courts of Law of jurisdiction over the particular case. If Mr. Speaker had raised no

or a desecration. For his (Mr. Arthur O'Connor's) own part, he thought it was of no use, and hoped it would soon be done away with altogether; but in the meantime it subsisted, and the Rules of the House required it. It was prescribed by statute law. Was the hon. Member for Northampton to be allowed to take it? With all respect for the hon. and learned Member who had last spoken (Mr. Hopwood), he (Mr. Arthur O'Connor) answered without hesitation in the negative. There were laws above any Rules of the House of Commons, and there were commandments higher than any Act of Parliament. One of these commandments was—"Thou shalt not take the name of the Lord thy God in vain." That commandment had no sanction from the intelligent will of Mr. Bradlaugh, who attached to it no more importance than he did to the God who gave it; for the hon. Member had proclaimed that, as he did not know God, it could not be binding upon the hon. Member. It was, however, binding on hon. Members who did acknowledge God. He, for one, disclaimed any intention of imputing to Mr. Bradlaugh any thought of taking the name of God in vain. The hon. Member seemed to evince a much keener sense of what was proper and seemly than those who seemed to be ready to insist upon the administration of the Oath, and in whose mouth it would be nothing but a most horrible blasphemy. As Christians they could have no part in such a proceeding. He did not know what would be the issue of this discussion; possibly, when a particular majority was present, the House might then decide to admit Mr. Bradlaugh to the Table; but he trusted that would never be. Of one thing he was certain—that they could not decently, as Members, permit the record of such a proceeding to appear on the Journals of the House. If, however, it should be so, he, for one, would call upon the majority of those who sat upon that (the Opposition) side of the House, and who were still Christians; he would also appeal to the hon. Member who had spoken so well as the worthy representative of an ancient people, to whom the God of Abraham, Isaac, and Jacob was sacred—he would appeal to them all to wash their hands of all complicity in this transaction. He might likewise appeal personally to the Speaker, if it

should be decided to admit Mr. Bradlaugh to the Oath, to go through the empty formality of taking an Oath which he really could not take then—when the hon. Member did come to the Table, he trusted that the Speaker would allow him (Mr. Arthur O'Connor) and those who agreed with him sufficient time to withdraw from the House, that they might not be made even involuntary witnesses to an act which would be a scandalous and flagrant violation of the laws of God.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he would remind the last speaker (Mr. Arthur O'Connor) that the question before them was not whether Mr. Bradlaugh was to be admitted to take the Oath; the question was whether Mr. Bradlaugh should or should not be allowed to make an Affirmation. He wished to deal with a few of the considerations which arose in connection with that question, some of which had been referred to by his hon. and learned Friend the Member for Launceston (Sir Hardinge Giffard). His hon. and learned Friend had assumed that there had been a determination by the first Committee of what was the existing law on the subject. He had said, over and over again in the course of his speech, that the law had been decided by that Committee, and had protested against the House reversing the decision arrived at by the Committee. He (the Attorney General), however, must remind hon. Members that when the Reference was made to the first Committee, it was agreed, on all sides of the House, that that Committee should determine nothing. He would not quote his own words; but he had, before the appointment of the Committee, said that the Committee was to decide nothing, and that the House had not delegated its functions. But he would refer to what had been said by his hon. and learned Friend himself, who had agreed to the appointment of the Committee on the terms that it should have no power to determine anything, but should be appointed only to facilitate the proceedings of the House, with whom must rest the ultimate decision. That ultimate decision was now to be given by the House. The opinion of the first Committee now for the first time came before the House, by way of advice only, and the House had to form its own judgment. It had been said that

Mr. Arthur O'Connor

cluded from the House, but so would every other person who, from conscientious and religious scruples, however deep and sincere, declined to take an oath, if he were not a Quaker, or Moravian, or Separatist. There was no escape from that position, although it was a result at which he did not think they would willingly arrive; and he hoped, therefore, the Amendment would not be sanctioned by the House. By the law, as it at present stood, a person objecting to take the oath in a Court of Justice might substitute an affirmation for it; and he saw no reason why the House should not allow hon. Members who held similar objections to make an Affirmation of Allegiance. From the first to the last of this troublesome question he had endeavoured to determine the bare legal rights of the hon. Member for Northampton (Mr. Bradlaugh), who claimed to take his seat; and he had come to the conclusion that the hon. Member could not take the Oath, and that opinion was framed principally upon the ground that he was a person entitled to make the Affirmation because the Oath was not binding on his conscience. It was because he thought so then, and thought so still, that he felt he should be acting perfectly consistently in asking the House to accept the proposition of the hon. Member for Northampton (Mr. Labouchere), and to allow Mr. Bradlaugh to make an Affirmation.

Mr. GRANTHAM said, he would admit that there was considerable difficulty in the question now before the House, but it had been greatly increased by the haste with which they had proceeded. The House had, in a hasty manner, delegated its opinion, if not its power, to the first Committee, of which he (Mr. Grantham) was a Member. Then the Committee had been called together the day following their appointment, and without proper time to give the matter due consideration; and yet he ventured to say there was not a single Member of that Committee who voted in the majority who had seen the slightest reason to change the opinion he then formed, or to doubt for a moment that that opinion was right. At the same time, he had no doubt that the opinions of those who voted on the other side were equally conscientious. He was surprised to hear the hon. and learned Member for Coventry (Sir Henry Jack-

son) state that the Committee now entertained a different view, in consequence of the difficulties in which the House was involved. It was the old story that hard cases made bad law, and if they were to adopt that principle the House would soon become the laughing-stock of the world. It was not necessary by a side wind to get over a difficulty which had been created, however great that difficulty might be. It was idle to say that nothing had been done by the House to accept the deliberations of that Committee; for it had been intended to allow Mr. Bradlaugh to take the Oath, and that was on the opinion that they were bound by the opinion of the first Committee. Then the second Committee was appointed, and he protested against the recommendation they had made as not being within the range of their inquiry. The duty of the Committee was not to go beyond the ambit of their Reference. It was their duty to act on the Reference made to them, and not to venture upon making suggestions, which might not be approved of, on the idea that they might get the House out of a difficulty. He thought the House itself was capable of dealing with the difficulties which arose in the course of its business without getting rid of them by the back door of a Court of Law; and unless Mr. Bradlaugh was entitled to Affirm, there was only one course open. The House must deal with the case, be it as a *casus omisus*. No one had ever yet attempted to come into the House as a professed Atheist, and it ought, therefore, to have the courage of its opinions, whatever they might be, and say, by Act of Parliament to be brought in on the authority of the Government, that Members should or should not be admitted without reference to their religious opinions. That would be a fair and open way of dealing with the question, and he was very much surprised that the Government had not had the courage of the opinions of those hon. Members who had spoken, because they went the length of arguing that any hon. Member should be entitled to enter the House without being debarred by his opinions. He was surprised at the argument of his hon. and learned Friend the Attorney General (Sir Henry James), that the House had denuded itself of its power by delegating it to Courts of Law. The House had never divested itself of its

question as to Mr. Bradlaugh's right to affirm, that fact would not have interfered with the jurisdiction of the Courts of Law. Let the House remember how the question arose. By the Act of 1866 every person was *prima facie* entitled to take an oath; and if he sat or voted in the House without taking the Oath, he was liable to penalties. Well, how could such person excuse himself? The only way he could do so was by saying that being a person entitled to make an affirmation under the 4th section of the Act, he had affirmed in place of taking the Oath. He was thus enabled to avoid the penalty he would otherwise have incurred for not having fulfilled the primary obligation of the statute. And what would he have to prove in order to do so? He would have to prove affirmatively that he was a person who, for the time being, was entitled, to make an affirmation instead of taking an oath. Whether he was entitled to do so within the walls of Parliament was a question over which the Courts of Law had jurisdiction; and they were not, by the Motion now before the House, unduly yielding to the jurisdiction of the Courts of Law or overruling the authority of Parliament. There was absolute power given by the statute to the Courts of Law to determine whether the Oath should have been taken, and whether, if it had not been, the excuse for making an Affirmation instead was valid. Therefore, while he admitted that the question was one worthy of the consideration of a Committee of the House of Commons, he could conceive no difficulty in adopting the course which was recommended in the Motion before them. They should remember, that whether they allowed Mr. Bradlaugh to take the Oath or make an Affirmation, they would not finally determine the question. If, by a Resolution of the House, they stated that Mr. Bradlaugh was entitled to affirm instead of taking the Oath, that would, in one sense, be a procedure of the House; but it would not relieve him from penalties, if he were liable to them under the statute. If the statute said that the Oath should be taken—a particular case not being exempted—then that statutory obligation could not be altered by a Resolution of the House of Commons. But it was said that, by its Resolution, the House would grant to Mr. Bradlaugh a privilege which he did not possess. They

would grant him no such privilege. If he had the right, he had it only as a statutory right, one conferred on him by the 4th section of the Act, and they could not interfere with it if he were so entitled to it. Mr. Bradlaugh had a claim of privilege to make—he had no one to make it to. It was, if anything, his right, and they were only affording him that clear abstract right of action which was given him by the statute; therefore, it was a perfect fallacy to say that they were dealing with a claim to which they might object if they thought proper. His hon. and learned Friend opposite (Sir Hardinge Giffard) had protested against the question being considered on the recommendation of the Committee. It was not so brought under the consideration of the House. If the Committee had made no such recommendation, the hon. Member for Northampton (Mr. Labouchere) would have been equally within his right in submitting the Motion to the House, and it would have been submitted on the ground it had been that evening. The Committee had determined that, under the circumstances, the Oath ought not to be administered to Mr. Bradlaugh, because it would not be binding on his conscience, and that, therefore, he was precisely the person who ought to be allowed to affirm. ["Oh, oh!"] That was a perfectly consistent view of the question. A Member of the House was only entitled to affirm if an Oath was not binding on his conscience. On that ground the Committee refused to allow Mr. Bradlaugh to take the Oath; but, at the same time, they expressed the opinion that he should be allowed to affirm, because he could not take the Oath, and, therefore, he had a right to affirm. They came to the conclusion that the common-law right of every Member to take his seat ought not to be taken away from Mr. Bradlaugh; and, as he could not take the Oath, they said he ought to be allowed to affirm—leaving the question of penalties, which remained to the determination of a Court of Law. Let him point out to those Members of the House who were discussing this question, not upon the merits of the case or as a matter of principle, but rather with reference to their views of Mr. Bradlaugh's opinions, that if the Report of the first Committee was to be a final decision, the result would be that not only would Mr. Bradlaugh be ex-

cluded from the House, but so would every other person who, from conscientious and religious scruples, however deep and sincere, declined to take an oath, if he were not a Quaker, or Moravian, or Separatist. There was no escape from that position, although it was a result at which he did not think they would willingly arrive; and he hoped, therefore, the Amendment would not be sanctioned by the House. By the law, as it at present stood, a person objecting to take the oath in a Court of Justice might substitute an affirmation for it; and he saw no reason why the House should not allow hon. Members who held similar objections to make an Affirmation of Allegiance. From the first to the last of this troublesome question he had endeavoured to determine the bare legal rights of the hon. Member for Northampton (Mr. Bradlaugh), who claimed to take his seat; and he had come to the conclusion that the hon. Member could not take the Oath, and that opinion was framed principally upon the ground that he was a person entitled to make the Affirmation because the Oath was not binding on his conscience. It was because he thought so then, and thought so still, that he felt he should be acting perfectly consistently in asking the House to accept the proposition of the hon. Member for Northampton (Mr. Labouchere), and to allow Mr. Bradlaugh to make an Affirmation.

Mr. GRANTHAM said, he would admit that there was considerable difficulty in the question now before the House, but it had been greatly increased by the haste with which they had proceeded. The House had, in a hasty manner, delegated its opinion, if not its power, to the first Committee, of which he (Mr. Grantham) was a Member. Then the Committee had been called together the day following their appointment, and without proper time to give the matter due consideration; and yet he ventured to say there was not a single Member of that Committee who voted in the majority who had seen the slightest reason to change the opinion he then formed, or to doubt for a moment that that opinion was right. At the same time, he had no doubt that the opinions of those who voted on the other side were equally conscientious. He was surprised to hear the hon. and learned Member for Coventry (Sir Henry Jack-

son) state that the Committee now entertained a different view, in consequence of the difficulties in which the House was involved. It was the old story that hard cases made bad law, and if they were to adopt that principle the House would soon become the laughing-stock of the world. It was not necessary by a side wind to get over a difficulty which had been created, however great that difficulty might be. It was idle to say that nothing had been done by the House to accept the deliberations of that Committee; for it had been intended to allow Mr. Bradlaugh to take the Oath, and that was on the opinion that they were bound by the opinion of the first Committee. Then the second Committee was appointed, and he protested against the recommendation they had made as not being within the range of their inquiry. The duty of the Committee was not to go beyond the ambit of their Reference. It was their duty to act on the Reference made to them, and not to venture upon making suggestions, which might not be approved of, on the idea that they might get the House out of a difficulty. He thought the House itself was capable of dealing with the difficulties which arose in the course of its business without getting rid of them by the back door of a Court of Law; and unless Mr. Bradlaugh was entitled to Affirm, there was only one course open. The House must deal with the case, be it as a *casus omisus*. No one had ever yet attempted to come into the House as a professed Atheist, and it ought, therefore, to have the courage of its opinions, whatever they might be, and say, by Act of Parliament to be brought in on the authority of the Government, that Members should or should not be admitted without reference to their religious opinions. That would be a fair and open way of dealing with the question, and he was very much surprised that the Government had not had the courage of the opinions of those hon. Members who had spoken, because they went the length of arguing that any hon. Member should be entitled to enter the House without being debarred by his opinions. He was surprised at the argument of his hon. and learned Friend the Attorney General (Sir Henry James), that the House had denuded itself of its power by delegating it to Courts of Law. The House had never divested itself of its

power. A Judge might take on himself to allow children or lunatics to affirm; but no man could come into that House and seek to affirm merely because a Court of Law had allowed him to affirm. That was the fallacy which ran through the whole of the speech of his hon. and learned Friend. Through all the debates which had occurred on the question of the Parliamentary Oath, the religious character of the Act had been maintained. There was not a word to show that at any time the House had contemplated the admission within its walls of persons of no religious faith whatever. The language of Sir George Grey's Act, to which so much reference had been made—namely, "or other persons for the time being by law permitted to make an affirmation"—clearly pointed not to persons of Mr. Bradlaugh's stamp, but to all those to whom relief had at different times been extended on religious or conscientious grounds. It was a phrase which conveniently summed them up, and he thought his hon. and learned Friend, in the interpretation he had given of the section, must have overlooked its wording. Such an extensive interpretation as the hon. Member for Northampton now claimed for those words never seemed to have suggested itself to the Parliament of the day at all. Then, the occurrence of the words "presiding Judge" in Mr. Justice Denman's Act, clearly indicated that the making of an affirmation in lieu of an oath was limited to Courts of Law alone, and had no reference to that House. The question now raised was one of vast importance, and ought not to be settled in the indirect and unsatisfactory way suggested by the second Committee. No doubt, the tendency of the day was to do away with barriers of all kinds to religious faith or disbelief, and it might be that a time would come when the ceremony of admission to that House would be shorn of its religious character altogether. But, whatever the ultimate issue might be, the question was one which ought to be boldly grappled with; it was one for the majority of that House to settle, and not for a Court of Law, which might be placed in the embarrassing position of being in conflict with that House. He ventured to suggest that there would be very great difficulty indeed in having this question decided in the Law Courts. It was not, in fact,

Mr. Grantham

at all clear that the Courts of Law could impose penalties on a person who came to that House and affirmed under the Resolution which had been proposed to-night. That Resolution was not in any way identified with the opinion of the first Committee, nor did it suggest that in consequence of the Report of the second Committee it was desirable that Mr. Bradlaugh should be allowed to affirm. It was because these proceedings had from the first been hastily taken, in order to get over the difficulty, that he must protest against the passing of such a Resolution as was now under discussion.

MR. SPENCER WALPOLE: Sir, the House has now to deal with two questions of very great importance. One is a legal question, and the other a constitutional one, and on each of these points I wish to offer a few brief remarks. The legal question is embodied in the Resolution of the sitting Member for Northampton (Mr. Labouchere), and the constitutional question has been very ably stated by my hon. and learned Friend the Attorney General. The first of these questions, being a legal one, must be solved by every proper construction which can be put on certain Acts of Parliament. There are three classes of Acts which are immediately concerned in this question. First, there are the Acts relating to the promissory Oath of Allegiance, which is now required to be taken by all the great Officers of State, by the Judges of the land, and by Members of both Houses of Parliament, as a condition precedent to their being allowed to take their seats. It is a promissory Oath of great importance, and intended to be of great importance. The second class of Acts is of a totally different kind. It is the class of Acts relating to the admissibility of evidence, and to that alone. The third class of Acts are exceptional Acts. They are Acts which, in consideration of religious conviction and religious belief, dispense with the necessity of the oath being taken and allow an affirmation to be taken in its stead. These are the three classes of Acts which we must bear in mind upon every part of this case, and then we must see, by reference to the Acts, what is the interpretation we are to put upon them. The first class of Acts, although repealed in many instances, retained the promissory Oath of

Allegiance in the three cases to which I have referred, because it was regarded as a matter of momentous importance that persons should not assume high public offices or take a seat in Parliament except with a full recognition of the solemnity of the duties they would have to discharge. I would ask the House to consider the construction of that Act of Parliament. It begins by a Preamble which recites that one uniform Oath shall be taken by every Member. My hon. and learned Friend the Attorney General argued as if the principal object of the Act was contained in the 4th section; but it is the 3rd section which says that every Member of both Houses of Parliament must take that promissory Oath of Allegiance before he can take his seat at the beginning of every new Parliament. The exception speaks only of the person who objects to take the Oath on religious grounds, and who is there put on a level with the man who takes the Oath, because he equally recognizes a solemn religious obligation. The hon. Member for Northampton (Mr. Labouchere) pointed to the construction of the 4th section of the Act, and in that he has been followed by my hon. and learned Friend; but may I remind him that, bearing in mind other Acts of Parliament, I think he has imported into that 4th section words which are not there? The exception mentioned applies specifically only to Quakers, and the words "every other person permitted by law for the time being to affirm," were intended to include Moravians and Separatists and other religious persons who might claim the benefit of the Act. Then I turn to the other Act. Every line of it refers to Courts of Justice, and to Courts of Justice alone, which allow the particular form in which the hon. Member for Northampton (Mr. Bradlaugh) desires to affirm. In every criminal and civil proceeding, in every Court where the person satisfies the presiding Judge for the purposes of justice that his oath is not binding upon him, there, in order to promote the administration of justice, you make the exception; but not in any other case. The hon. and learned Gentleman the Attorney General has omitted one thing that seems to me to be important—namely, that in all cases where the exception is allowed, with the exception of the

Quaker, who is assumed to object to an oath, it is always stated in some form or another that the person desiring to affirm objects from religious motives to an oath; and, not only that, but in every one of these cases, the form of the affirmation is distinctly embodied in the Act of Parliament that allows it. Now, what is the form of the affirmation in the Evidence Amendment Acts? It is this—

"I, A.B., do solemnly and truly declare that the evidence I give shall be the truth, the whole truth, and nothing but the truth."

You cannot substitute another form of affirmation, unless you are authorized by an Act of Parliament to do so; and this very Act of Parliament distinctly points out the form in which an affirmation is to be made. I feel very strongly that the law, to my mind, is so clear on this one point, that I cannot do otherwise than vote against the Motion. Now, for the other point. I wish to appeal to my right hon. Friend the Prime Minister to consider the consequences that will follow the adoption of the Motion which is now made, with the intention, or rather with the understanding, that the hon. Member for Northampton shall be allowed to come to the Table and affirm. The consequence, in the first place, is that he comes into the House, and a great many hon. Members think it very doubtful whether he ought to do so; in the second place, every time he sits and votes in this House he is liable to a penalty of £500. Now, how long is this to go on, and how many penalties is he to incur? Is the House knowingly to sanction and encourage the hon. Member for Northampton when he takes his seat and incurs hundreds and hundreds of pounds of penalty which, in consequence of the provisions of the House itself, he will be forced to pay? Would anyone think it reasonable that he should not be indemnified if we allow him to sit, after having really promoted the conduct that involves him in these penalties? Then we ought also to consider, as the hon. and learned Gentleman the Member for Launceston (Sir Hardinge Giffard) suggested, what will be the result of moving for these penalties. The defence will be that he was entitled to affirm. Another defence will be that he was acting under the authority of the House, and that the House had the right

and the jurisdiction to determine this question—nay, that it was the duty of the House to determine it. Is that a consequence we are prepared to accept? Are we to bring ourselves into collision with the Courts of Law; or are we so incapable of determining what is the true construction to be put upon this Act of Parliament that we are to hand it over to the Courts of Justice, which may take any view irrespective of the point upon which we want to have a decision? I do not like the House to enter into any controversy with the Courts of Law, nor do I think it right that this House should shrink from the duty thrown upon it by Parliament—the statutory obligation to see that its Members are rightly seated. My conviction is very strong. I believe that, legally, the hon. Member cannot sit. I believe that the consequence of his sitting would be injurious to him and to the House, and I cannot support it.

MR. JOHN BRIGHT: Mr. Speaker, I hope the House will excuse me if I do not add very much to the strictly legal discussion with which it has been occupied the whole of the evening. If I wanted an excuse for avoiding much legal argument in what I have to say, I think I should have it abundantly in pointing to the different legal opinions which have been expressed to-night and on former occasions, and in the Committees on this question. It is evidently a matter which, if left to the lawyers, the lawyers would be unable to dispose of. Therefore, I shall not attempt to add an opinion which is not legal to the many legal opinions which we have had. But I should like to put two or three views to the House, which a man not brought up to the law may reasonably entertain, and, perhaps, as reasonably express. I must say, in the first place, that I think the hon. Member for Northampton (Mr. Labouchere) was in his right place to-night when asking the House to consider the Resolution he has brought before it. He is here the Representative of a large constituency, whose choice is called in question—not the choice with regard to him, but the choice with regard to his Colleague, the hon. Member associated with him in the representation of that large constituency, but whose right to take his seat in this House has been contested by certain hon. Members, who obviously have no objection except that

his religious opinions—[“No, no!” “Irreligious!”]—or his opinions on religion differed from theirs. I am quite sure no one who heard the right hon. Gentleman the Member for the City (Mr. Hubbard), or the right hon. and learned Member who spoke last from that Bench, will doubt for a moment the accuracy of what I say. When the right hon. and learned Gentleman had expounded all his legal arguments, then he turned to this heavier and graver question; and whoever listened to his speech will feel that he is acting very much upon his strong opinion with regard to that branch of the subject.

MR. HUBBARD: I deny the accuracy of the right hon. Gentleman's representation of my speech.

MR. JOHN BRIGHT: I recommend the House to read to-morrow what the right hon. Gentleman has said to-night; I have paid great attention to everything that he has said. Now, what is the simple question before us? It is agreed, I suppose, by hon. Gentlemen opposite that the electors of Northampton had a right to a free selection of a Member to represent them in this House. Nobody can say, I presume, that Mr. Bradlaugh was not legally entitled to offer himself as a candidate, or that the electors of Northampton were not legally entitled to elect him. If that be true of the constituency it must also be true of the Representative, that he is duly and legally chosen to sit in the House of Commons. Well, he comes to this Table and finds—or he has found before he comes—that some hon. Members—the majority—take an Oath, the Oath of Allegiance, and that some Members—only a small minority—take or make an Affirmation to a somewhat similar effect. There are a great many hon. Members of this House who take the Oath and greatly dislike it. [“No, no!”] That I know to a certainty—and it is open to any hon. Member, on coming to the Table, to propose to take either the one or the other. [“No, no!”] It may be that the Affirmation is so limited that many persons may not be allowed to take it. Mr. Bradlaugh did not come to the House and refuse to take the Oath. He made no such refusal. Probably if he had known, if he had had any suspicion, that the Affirmation would be refused to him, he would have taken the Oath as other

hon. Members take it—very much, I am afraid, as a matter of form. [“No, no!” “Withdraw!”] If any person thinks it necessary to deny that, I will not contest it. I must, however, say myself I know nothing more irreverent than the manner in which great numbers of Members take the Oath on this floor. Well, Mr. Bradlaugh comes here; he does not refuse to take the Oath—that is not the question; but he says he would prefer to make the Affirmation, as he has been allowed to make affirmations on most important questions in many of the High Courts of Justice in this country. And as he knows that a considerable number of persons make an Affirmation at this Table, he very naturally supposes he may do the same, and, preferring the Affirmation to the Oath, he communicates his view to the Clerk at the Table or to Mr. Speaker, and proposes to make an Affirmation. Bear in mind that he did not refuse to swear; that was not the question put to him—he proposed to make the Affirmation. On that occasion the Speaker entertained a doubt whether he was one of those persons who might be permitted to affirm. The Speaker’s doubt was not as to whether Mr. Bradlaugh could swear, but as to whether he could Affirm; and having that sort of doubt which seems to enter the minds of lawyers on both sides of the House, the Speaker referred the matter to the House, and he did not chose to decide it for himself. Well, it would have saved us a great deal of trouble, Sir, if you had decided it for yourself. But no one can call in question your judgment. No doubt it was most conscientious, and possibly it may have been most wise. The question having been thus referred to the House, there was considerable debate and a good deal of heat and temper—at least, I judged so from the reports, for I was not in the House that evening. It was decided at last that a Committee should be appointed to consider the question and go through it more carefully and calmly than would be likely to be done by having the matter settled at once by debate and division in this House. A Committee of 19 Members was chosen. The Committee discussed this question, I think, only for one day; certainly they did not give to it anything like the amount of care, time, and discussion which was

given by the second Committee to the matter submitted to them. The Committee decided by the casting vote of the Chairman. [“No, no!”] You say “No;” but I know that it was so. I have it here. The numbers were Ayes 8 and Noes 8, and thereupon the Chairman declared himself with the Noes. That was the way in which this great question was settled in Committee. I do not say that the decision of the Committee, under such circumstances, should have no weight with the House. On the contrary, I admit its weight, whatever it may be. But, really, if out of 17 there had been 12 or 14 on one side, and four or five or six on the other, a decision of that kind would, probably, have some weight with the House, and it would naturally be entitled to have that weight. I did not agree with a great many things which were said or suggested in the Committee even by some of those with whom I voted. It was understood that Courts of Justice can allow a person like Mr. Bradlaugh to affirm. They can assume, or know, or be told that an oath is not binding upon his conscience, and, therefore, they can enable him to affirm. But the Act which enables him to affirm in a Court of Justice, it is assumed, has not the power to enable him to affirm in this House. And that is the difference, and that is the difficulty. But the fact is, that quite as many lawyers are on one side as on the other. I am not allowed here, I dare say, to mention names; but, besides the eminent lawyers in the House, there are very eminent lawyers outside who take the part of those who voted with the minority in the first Committee, and in favour of Mr. Bradlaugh being allowed to make the Affirmation. Now, at best, it must be considered—and I will give every weight I can to hon. Gentlemen opposite in their opinions; but still it must be admitted, in view of this difference among intelligent lawyers, that the question is extremely doubtful. I am one of those who take the view, in regard to one of those Acts, that this power, which is given to presiding Judges in Courts, is given to all persons who have the power to administer an oath. Well, no doubt, the House of Commons has the power, both at the Table and in Committees, to administer Oaths. I think, therefore, that the House might fairly agree that the power which was

given to Courts of Justice in the case of Mr. Bradlaugh rested with the House also, and that he might, therefore, as legally make an Affirmation here as he could make an affirmation in the High Court of Justice. Well, that decision of the Committee was laid upon the Table, but no action was taken upon it. I think that the hon. and learned Member for Launceston (Sir Hardinge Gifford), and one or two others, have said that was a tacit acknowledgement that we accepted the conclusion of the Committee. The fact is, the Report was only delivered to hon. Members on the very morning of the day on which Mr. Bradlaugh came to the Table and proposed to take the Oath. Therefore, there was no time for the House even to consider what should be done in reference to the Report of the first Committee, and so no action on it was taken at all, and it remains as it was, neither accepted by the House nor yet rejected. Well, then, afterwards Mr. Bradlaugh came on that very night to the Table again, and proposed to take the Oath. He had never refused to take it, and had never given the House to understand that he intended to refuse taking it. All that he had done was to tell the House that he should prefer to make an Affirmation, and that he believed it was within the practice and law of Parliament that he should be permitted to make it. Now, being denied the one, what was reasonable he should do if he had no insuperable objection? The course he would take would be naturally this—that he would propose to take the Oath. The one door being closed against him unfortunately, and, as he thought, quite contrary to his rights; then he said—“Looking to the interests of my constituents, for the purpose of which I am sent here, I have no objection to take the Oath which Parliament imposes, and I shall take it exactly as everybody else takes it” — [*Cries of “No!” and “Oh!”*]—allow me to finish—“from the first word of it to the last;” and, as he stated in the most distinct manner to the Committee, that the Oath, the words that he would pronounce at this Table, would be absolutely binding upon his conscience and upon his honour—just as the words of the Affirmation would have been binding, if he had been permitted to utter them, and just as the words of the Affirmation are binding upon my

conscience and upon my honour. I pretend to have no conscience or no honour superior to the conscience and honour of Mr. Bradlaugh. [*“Oh!” and “Hear, hear!”*] It is no business of mine to set myself up—perhaps it is no business of yours to set yourselves up—as having a conscience and honour superior to that which actuates Mr. Bradlaugh. If you take a different line, I should like some ingenious man among you to tell me where it would lead to. Now, when Mr. Bradlaugh proposed to take the Oath, an hon. Member on the opposite side of the House—the Member for Portsmouth (Sir H. Drummond Wolff)—did what never was done in Parliament in the lifetime of any man here, or I believe within the historic reading of any man—he rose in his place and objected to Mr. Bradlaugh taking the Oath. That is a course which is so unusual that at least, if there be any justification for it, it ought to be clearly and fully set forth. The practice is wholly new. Gentlemen upon the Committee from the opposite side of the House, including the right hon. and learned Gentleman who spoke last (Mr. Spencer Walpole), took some pains to ascertain if there was a shadow of a shade of a precedent for what had been done; but they did not succeed, and nothing was brought before the Committee to show that the course which had been taken had ever been taken before. It was said that, under the circumstances, there was no course open but to refer the matter to a Committee; and again the House referred the question to a Committee—the old Committee, with four new Members upon it. The first Committee consisted of 19 Members, and the second of 23. The opposite Party complained that there were not sufficient lawyers on it, and then more were added. When the question arose of adding other four, it was said that there was not a sufficient Nonconformist representation; but no names of Nonconformists were added. In fact, I never knew such a chaos and want of understanding in any debate in this House as has been shown on the opposite Benches. Then the Committee of 23 met and discussed the question for about seven days, and one day we sat from 1 o'clock to 7 without leaving the room. No question could have been discussed more thoroughly and more honestly. At last the Oath was refused, on a ground which I

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think is absolutely untenable—although I was in a small minority—that Mr. Bradlaugh had asked to Affirm. It was assumed that, because he asked to Affirm, he had declared that the Oath was not in the smallest degree binding on his conscience. He made no such declaration, and it is, in my opinion, an assumption we have no right to make, that this was his position. He had asked to Affirm, and he had stated, because he had to give some legal justification, that he did so because there were certain Acts referring to the case, and in Courts of Justice these had been sufficient to allow him to affirm. He never said the Oath would not have been binding on his conscience. He said, over and over again, that it would; and I insist now that the House is not just to Mr. Bradlaugh in saying that he could not take the Oath because he had asked to Affirm. I think that is taking an unfair advantage of him that not one of us would like to see taken against himself if he could be in a position at all similar to that which Mr. Bradlaugh is in. It comes to this. That his Oath is declared by the Committee not to be binding, although he himself has constantly asserted the contrary; and that on the ground that his Oath was not binding, it was resolved that he would not be allowed to take the Affirmation, although it would have been permitted to him to do so in a Court of Justice. A right which he has in every Court of Justice in the Kingdom the House of Commons, which is the source and fountain of all our justice, prohibits him from having at its Bar. I think, on these grounds, I am justified in saying and feeling that Mr. Bradlaugh has not had what I should call that favourable and generous justice which the House of Commons is in the habit of according to its Members. Now I come to the question of precedent, and, with regard to that, it is admitted there is no precedent for the course proposed to be taken. There has never been an Inquisition before when a Member has presented himself to take the Oath at the Table. There has never been any Member for Portsmouth in past times so courageous, or any great Party in the House willing to allow a question of this kind to be raised, when any Member came up to the Table to take the Oath of Allegiance. There are no precedents in any of the

Courts of Law either in this country or in Scotland, any more than there are in Parliament. In 1833 there certainly was a precedent in the case of Mr. Pease; and though it does not run on all fours with the present case, I will refer to it in order to allude to two opinions that were expressed concerning it. Mr. Pease, as the House well knows, objected to take the Oath, and also to make any Affirmation in which the words of the Oath were included. He would not swear. He had that curious notion that some people have that the New Testament is against swearing at all. He had, at the same time, an objection to make an Affirmation that he would defend the Crown by force of arms. He did these two things being a member of the Body to which I belong, and the House, both in Committee and in the full House, passed unanimously Motions giving him the right to affirm in the manner he desired—namely, that he should be allowed to take the Affirmation instead of the Oath, and that the words of the Oath to which he objected should be omitted from the Affirmation; and in that way he made an Affirmation which has formed a basis of the proceedings of this House ever since towards members of the Body to which, as I have said and as is well known, I belong as did Mr. Pease. Now, I should like to read one passage from the opinion of Mr. Wynn, who in that day was considered the very highest authority on all questions of Order in the House of Commons. It was on that account, no doubt, that he was asked to move the Resolution by which Mr. Pease was admitted to a seat in this House. He says—

“If the case was less clear than it really was, he was of opinion that, in deciding upon it, it would be the duty of the House to lean to the side of the claimant, and in conformity with those Acts of Parliament under which the Affirmation of Quakers was in all Courts and upon all occasions, in criminal as well as in civil cases held to be sufficient, to determine that it was also sufficient here.”—[3 *Hansard*, xv. 642.]

Now, I would ask the House to act upon the liberal and generous principles which Mr. Wynn recommended to the House. In Courts outside the walls of Parliament established for the administration of justice, Mr. Bradlaugh would have the right to affirm. The one other authority to which I wish to refer, Sir John

Campbell, the Solicitor General of that day, told the House that—

“Originally, by the common law of the land, every person that was duly elected was entitled to take his seat in this House without taking any Oaths whatever.”—[*Ibid.* 644.]

It is something to know what the common law of the land is, and to know that the common law of the land is in favour of freedom. Sir John Campbell goes back to the Act of the 5th of Elizabeth, before which no Oaths were required to be taken by Members of Parliament, and then he says—

“Now, as that statute, and the other statutes imposing Oaths, were infringements on the common law of the land, and were besides penal statutes, they must be literally and strictly construed, whereas the remedial laws, relaxing such provisions, and so far restoring in a degree the common law right, were to be literally construed.”—[*Ibid.*]

I appeal to the House—perhaps I ought to appeal to hon. Gentlemen opposite; perhaps they are not so full of passion as not to be able to appreciate an argument drawn from authorities like these. [“Oh, oh!”] If they will not listen to me, I shall appeal to those on this side, and to some below the Gangway opposite. I ask them whether Mr. Wynn, a leading and influential Member of the Conservative Party—[“Whig, Whig!”]—well, I sat always on the Liberal side, and saw Mr. Wynn opposite—I ask whether they will not accept this view of Mr. Wynn on a question of this kind? I am not going to argue the question, as it has been argued by my hon. and learned Friend the Attorney General, and I will admit, if you like, that there is a doubt. But Mr. Wynn said, if there is a doubt, you ought to lean to the side of the claimant; and Sir John Campbell said the common law of the land is in favour of freedom, and that these remedial laws ought to be construed in a liberal spirit. If you admit that, I think that the course taken in regard to this question shows we have not made much progress during 50 years in regard to a matter of this kind. In the year 1833 the Houses of Parliament had come fresh from the country, fresh also from new constituencies. From that time to this there has been a gradual relaxation; but it is proposed now to establish a new test. It is a test of Theism. [“No, no!”] Surely the right hon. and learned Gentleman (Mr. Spencer

Walpole) who says “No!” must have forgotten everything that took place in the Committee, and cannot be conscious of his own principles and his own intentions? Why, surely, the object of this Motion is to establish the test of Theism. [“No, no!”] What was the meaning of the words at the end of the Oath, “On the true faith of a Christian,” to which the Jews could not subscribe? That was a test of Christianity by which they were for many years kept out of this House. Now it is proposed by the hon. Member for Portsmouth—it was not proposed from the Front Opposition Bench, because that Bench appears to have abdicated its functions entirely, and has shown, I will not say an abject, but a remarkable submission to Gentlemen who sit in the lower part of the House. I say that you are about to establish a new test of Theism, and to do another thing which it appears to me will be intolerable to the House. You are going to establish two orders of Members in the House of Commons. We are not all to be equal in the future. I may come to the Table and Affirm, and nobody dare ask me any question about my religion, whether Christian, Atheistic, Theistic, or anything else. But if a Member comes to the Table, proposing to take the Oath, and you have certain doubts in regard to him, the hon. Member for Portsmouth can get up and put to him a question. [“No, no!”] Yes, he can. [“No, no!”] I am glad to see that hon. Members opposite are afraid to face the result. [“No, no!”] I say you are about to establish two orders of Members in this House—one, consisting of a small minority, can come up and no man can ask them a question; the other, a large majority, can come here and any Member who wishes to distinguish himself can rise in his place and protest against another hon. Member taking the Oath. [“No, no!”] I put it to the hon. Member for Portsmouth—What would he do in the case of a Comtist or a Positivist? [Sir H. DRUMMOND WOLFF rose to answer.] I do not want him to answer it now. I remember receiving a pamphlet advocating the getting rid of the idea of a God. That was sent to me on behalf of some persons who may be described in terms that are not appropriate, but who are said to be Positivists or Comtists. I do not know that they

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theists at all. I say nothing about it if that pamphlet represents and if any one of them comes into the House, no doubt it will be open—if the House proceeds in the course it is taking—to the hon. Member for Northampton to pursue the line which he has already adopted, and to call in question some men for whom I have the highest respect in regard to everything but their opinions on the question of religion, which I deplore, and in connection with which I can only commiserate for I know that many people have a greater power of belief than others—and I am not one of those—I have often myself passed through many trials—to condemn without sympathy, at least, those who are not able to adopt the views which I myself hold. Now, Sir, one word more. There are Members of this House of different Churches; generally all, I trust, of one religion, the religion which inculcates charity, forbearance, and justice, and even hospitality. There are those who belong to the Roman Catholic Church. I need not remind them of what they and their predecessors have gone through in Ireland in the last 200 or 300 years or more, or how long a time they were kept out of the House, and by the very same kind of arguments which the hon. and learned Member for East Surrey (Mr. Sturges) used. He tells us that for a long time past there has been a relaxation. Yes, no doubt; but did he ever sit among those who promoted those relaxations? I have been here for 37 years, and I have seen these questions discussed over and over again; but I never found that there had come when the Party opposed by Gentlemen who now are, were willing to make those relaxations. They submitted not to arguments, not to sentiments of generosity or justice; they submitted only to a majority which sat on this side of the House. Then there are the Nonconformists. I am told that there are some Unitarians even—but I think it is in the nature of a mistake or of a error—who have some grave doubts as to how they should vote on this occasion. It is occasions like this that try men and try principles. Do you suppose that in times past the Founder of Christianity has required an Oath in this House to defend the religion which He

founded? Or do you suppose, now, the Supreme Ruler of the World is interested in the fact that one man sits at this Table and takes His name in vain—may be often in vain—and another is permitted to make an Affirmation reverently and honestly, in which His name is not included? But one is essential for us, the House of Commons representing the English people, which is, to maintain as far as possible the great principles of freedom—freedom of political action and freedom of conscience. The electors, I know not many thousands, of the borough of Northampton have returned two Members to Parliament. You admit the one, and exclude the other. All the constituents of the Kingdom, you may rely upon, will consider this cause is their own. You have heard, for the hon. Member for Northampton (Mr. Labouchere) told us to-night, that among his constituents there are but few who are supposed in the least to sympathize with many of the opinions of Mr. Bradlaugh. [Laughter.] Well, hon. Gentlemen who know nothing about it laugh at that. I think it very possible finding that Mr. Bradlaugh, in his political opinions was in sympathy with them, those electors so little like his political opinions of hon. Gentlemen opposite that they preferred Mr. Bradlaugh, with his political opinions, to some opposing candidates who had presented themselves, and whose religious views might have been entirely orthodox. Now, my belief is that throughout the whole of the great boroughs of the Kingdom you will find the working classes taking part, not with the majority of Commons in excluding Mr. Bradlaugh, but with those who wish him to be permitted to make the Affirmation. I am of that opinion myself. To a certain extent the working people of this country do not care any more for the dogma of Christianity than the upper classes care for the practice of that religion. I wish from my heart that it were so; but of this I am certain, that the course which it is proposed to take in dealing out this rigid measure to the Gentleman honestly, openly, fairly, legally elected by a great constituency, will be productive of great evils, may bring this House into continual conflict with at least one constituency, and may lead us ultimately to the humiliation

the House of Commons underwent in connection with another case some 100 years ago. Hon. Members opposite will, I dare say, represent to themselves and to others that they are the defenders of religion, of orthodoxy, of decency, and of I know not what. I am here as the defender of what I believe to be the principles of our Constitution, of the freedom of constituencies to elect, and of the freedom of the elected to sit in Parliament. That freedom which has been so hardly won I do not believe the House of Commons will endeavour to wrest from our constituencies, knowing by what slow steps we have reached the point we have now attained; and I do not believe that, on the recommendation of the hon Member for Portsmouth, they will turn back and deny the principles which have been so dear to them.

MR. E. STANHOPE said, that it was with considerable diffidence that he rose to make a few observations, after the right hon. Gentleman who had just sat down; and he should not wish to do so had it not been that he had felt it to be absolutely necessary that some notice should at once be taken of the principles which the right hon. Gentleman enunciated. They had been told from the other side of the House that they ought to consider this question, to some extent, as a question of law; but the right hon. Gentleman had somewhat ostentatiously told them that he was not going to deal with the law. In that he exercised a wise discretion, because the speech of his right hon. Friend behind him, in its moderation and its calm good sense, would have been extremely difficult for him to answer. But the right hon. Gentleman had gone further, and had indulged in sneers upon everything and everybody connected with views different from his own. He had not only sneered at the motives of those who sat upon this side of the House, but upon the motives of all those hon. Members who intended to vote against the Motion. And when the right hon. Gentleman talked about justice and generosity, he would ask, where was his justice or his generosity? Where was his charity? The right hon. Gentleman was quite right in saying that this was a question which would try a man and his principles, and he had endeavoured, in the course of his speech, to justify the action

of Mr. Bradlaugh. He had told them, and deliberately told them, that there were many men in that House who took the Oath as a matter of form; and he had said, further, that Mr. Bradlaugh had come forward to take the Oath just as everyone else came to take it in that House. Now, he ventured in the name of their common Christianity, to repudiate such an idea. The right hon. Gentleman, in the course of his statement, had entirely misrepresented the position of Mr. Bradlaugh when he came to the Table claiming to be sworn. He could not put the case better than it was put in the Amendment moved by the hon. Member for Coventry in the course of the discussion before the Select Committee. That Amendment stated that it was impossible to disregard Mr. Bradlaugh's own action in that matter. In claiming the benefit of the Acts of Parliament permitting Affirmations, he must be taken to have made that claim in accordance with the terms upon which it was allowed by these Acts. On reference to these Acts it would be seen that the only case where they applied was where the Judge was satisfied that an oath would have no binding effect on the conscience of the witness. That, therefore, was the real meaning of the hon. Member for Northampton when he came to the Table of the House and claimed to take the Affirmation instead of the Oath. In the exercise of his discretion, Mr. Speaker had left the matter in the hands of the House, and the question had been referred by the House to a Select Committee appointed on the Motion of the Government. That Committee reported after a very short interval. Their Report was in the hands of hon. Members. The hon. and learned Gentleman the Attorney General now said that when the question came on for discussion the Government had had no time to consider or to determine upon what course to take with reference to it. In his opinion, the Government had had just as much time to read the brief Report of the Committee as anyone else. The Report might have been mastered in a few minutes; and that the right hon. Gentleman the Prime Minister accepted its conclusion was shown by the fact that when he moved for the appointment of another Committee, he asserted in the Preamble of his Motion that the first Committee had

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stated that, in their opinion, a
in Mr. Bradlaugh's position could
permitted to make an Affirmation.
right hon. Gentleman had then
ined the same opinion as that
ed in the Report of the second
tee, he would not have been able
e the Motion which he did. But,
en, the Report of the second Com-
had thrown the Government into
ulty, and they had found it neces-
hark back. A very curious argu-
was put forward to justify their
The hon. and learned Gentle-
e Member for Dewsbury told them
ey ought to take no notice of the
of either Committee.

SERGEANT SIMON said, that he
t state that they should take no
of the Report of the first Com-
but that the present Motion was
independent of the Report of
Committee.

E. STANHOPE said, that the
nd learned Gentleman admitted
that the proper course for the
to adopt was to disregard both
tees and proceed independently.
else was said on the matter? The
ember for Bedford told them that
ad no precedent for interfering
Member desired to take the Oath,
went on to argue that it was not
power of the House to interfere
any circumstances when a Mem-
me forward to take the Oath.
e would venture to say, on the
and, that there was no precedent
mitting a Member to take the
nder circumstances like the pre-
They were told that the House
t to take cognizance of the position
up by the hon. Member for North-
e, even when that hon. Member,
own act, forced it upon their at-
He ventured to say that such
ntion was one which outraged the
of the country. What did they
every Sunday? In that solemn
in which they offered up for the
Court of Parliament, did they not
e Supreme Being to direct and
r all their consultations for the
ement of His glory? What did
rious religious bodies say upon
uestion? They had received a
n signed by the Roman Catholics,
ey had also a Petition by the
van Methodists, protesting against
urce which it was proposed to

allow Mr. Bradlaugh to pursue. And
they might fairly be reminded that even
in the darkest times during the French
Revolution, in the re-action that followed
the enthronement of the Goddess of
Reason, it was moved by Robespierre
himself in the Assembly, that it was
necessary for the Assembly itself to take
official cognizance of the existence of a
Supreme Being. The right hon. Gen-
tleman the Chancellor of the Duchy of
Lancaster stated that they were pro-
posing a new test of Theism. He would
venture to say that they did nothing
whatever of that sort. What they did,
and what the Motion of his hon. and
learned Friend proposed to affirm, was
this—that after considering these two
Reports they should act upon them, and
should say that as the law at present
stood, the hon. Member for Northamp-
ton was not entitled to take the Oath or
to Affirm under the Statutes. The right
hon. Gentleman alleged that such a
course would make it necessary for them
to put questions as to his religious be-
lief to any hon. Member claiming to
take the Oath; but, in this case, instead
of their putting a question to Mr. Brad-
laugh, he had put a question to them.
He had come to the Table of the House
and he had asked leave to make an
Affirmation for the reasons he had
given, and he awaited their answer.
Before adopting the Resolution of the
sitting Member for Northampton, they
should remember how their action would
be interpreted out-of-doors. It would
be said that after two Committees had
been appointed by the Government, and
those Committees had reported that it
was not legal for a man who denied the
existence of a Supreme Being to take
the Oath or to Affirm, he had, in de-
fiance of the law, been admitted by a
side wind in the House. He protested
altogether against that proceeding, and
upon two grounds. In the first place,
it appeared to him to involve a complete
humiliation of Parliament. It would
appear that the Government and the
House, after having given the subject
much consideration, were unable to ar-
rive at any conclusion whatever upon
the subject, but would only leave it to
be decided by a Court of Law. What
would be the position of the House
when the case came before a Court of
Law? The Court of Law would decide
either that the House had sanctioned an

illegal act, with full notice, and with its eyes open, and with the opinions before it of the Committees to whom was specially remitted the consideration of the question; or it would decide that the House had illegally kept out an hon. Member who had a right to be admitted. If either judgment were pronounced, the House would be putting itself in a most undignified position, and especially if, as might happen, the judgment were given as to the legality or illegality of their action by the House of Lords. Again, he objected to this as eminently unfair to Mr. Bradlaugh himself. He came to the Table of the House and asked a plain question, and was entitled to receive a plain answer. He was entitled to be told whether the action he proposed to take was illegal or not. So far as he understood the arguments from the Treasury Bench they did not declare that his act was illegal, but they said that though its legality was doubtful the House ought to admit him. If that contention were right—if either it were illegal to suffer Mr. Bradlaugh to affirm, or if it was so doubtful that the House could not pronounce any opinion upon it, then the proper course was to bring in a Bill and not to leave the matter in a position of such doubtful legality, and yet actually by a Resolution of the House to invite the hon. Member to come in and take his seat. It was said that those who refused to accept this proposal did so because they wanted to bring the House to a dead lock upon this question. Directly the contrary was the case. They did not desire to bring the House to a dead lock; but they said that if Mr. Bradlaugh ought by law to be excluded from taking the Oath, or making an Affirmation, then the House ought to have the courage to say so. If there was a doubt about it, then a Bill ought to be brought forward on the subject upon which the matter could be properly discussed. He objected in the strongest possible way to the course now attempted to be forced upon the House, by which it was sought to evade responsibility for a time, but which would end in bringing back a greatly increased responsibility upon the House. He believed that the course now proposed to be taken offered no certain settlement of the difficulty, and was utterly unworthy of the House of Commons.

Mr. E. Stanhope

SIR PATRICK O'BRIEN said, that the few observations which he would address to the House would be simply for the purpose of explaining the position of himself, and, he believed, of many other hon. Members. What was the position of the hon. Gentleman whose case they were considering? It was this, that he had outraged not only British sentiment, but Christian sentiment, and he was there in that Liberal House of Commons to express his humble opinion on the subject. On the other hand, the hon. Gentleman had written that letter to *The Times*, which had been alluded to, and which, no doubt, withdrew him from the favourable consideration of every hon. Gentleman in that House, and from that of every Christian. But there was something beyond. There was a question whether any particular constituency in this country had a right to send to that House any person, no matter how reprehensible he might be; and he believed many hon. Members entertained the same opinion as he did, that they ought to look beyond the letter which he had written to *The Times* to the much larger question whether a complete and thorough freedom of election ought to be enjoyed by the constituencies. He rose in that House to state that as regarded the action of the hon. Gentleman it had been one which he and a great many others could have no confidence in and no consideration for; but he entertained even more the opinion that the action of the constituency was of greater importance, and to the constituency he left the question whether the hon. Gentleman was a fit and proper person to take his seat in that House. Although he considered that Mr. Bradlaugh, by his letter to the public papers, had put himself in a position which entirely cut him off from sympathy, yet he was not prepared to encounter the much larger question whether an English constituency was not justified in sending to that House any Gentleman whom they pleased; and on this account he should decline, as he believed many others would, to vote on the present occasion.

MR. NEWDEGATE moved the adjournment of the debate.

Motion made, and Question proposed,
 "That the Debate be now adjourned."
 —(Mr. Newdegate.)

O'DONNELL said, he should say a few words in support of motion for adjournment. At that hour, and after the observations had been made in that House by the hon. Gentleman the Member for Birmingham (Mr. Bright), the members weighed upon them to grant the time for full consideration of attendant circumstances, so as to give full publicity. The debates of the day upon this question at that hour could not be fully published; and the members weighed upon them all in this great and painful question, and urged them by all means in their power to insist upon an adjournment. It might be said to the contrary, but he did not but think that the resolution of the right hon. Gentleman the Member for Birmingham was unusual where he instituted a contest between the Catholics and the Dissenters who had elected Mr. Bradburn to be their champion. Such a contest was in the highest degree offensive to the Catholic population. He ventured to say, in the first place, the Catholics were not relieved of disabilities of ages by a round-trip device like that which was now pressed upon the House. On the contrary, those disabilities were re-imposed after the subject had been fully discussed, and a Bill, brought in by the Government, had passed the Houses of the Realm. The whole proceedings in the matter confirmed him in the opinion that there should be the fullest discussion upon the question; and he thought the subject one which required to be considered fully and fairly. For his own part, he had not the slightest intention of urging the Government to evade its duty and proper responsibility.

TAFFORD NORTHCOTE hoped they might understand the Government assented to the motion of his hon. Friend for an adjournment. The question was one, not of great importance; and he was glad that there were a considerable number of Gentlemen who desired to come to the House upon the subject. He trusted that the Government would assent to that proposal.

GLADSTONE said that he had only waited until there was some motion that might be taken as evi-

a consolidation of several small ones and had been most carefully prepared. No changes whatever were contained in it.

MR. O'SULLIVAN said, that there were important clauses in the Bill and penalties up to £500 inflicted, where in England only 5s. was enforced. One of the clauses contained a penalty of £500 for destroying permits. He had an Amendment to reduce that penalty; and he, therefore, hoped they would proceed slowly with the Bill.

LORD FREDERICK CAVENDISH said, that Clauses 7 and 28 would, no doubt, be put separately.

MR. R. PAGET said, he thought it right to ask the Government if there was any new matter introduced into the Bill. He further remarked that it would be a serious thing to pass rapidly clause after clause containing such heavy penalties as £500. He thought the Committee would not be justified in going on with the Bill in that way.

LORD FREDERICK CAVENDISH said, he could assure the hon. Member there was no new matter in the Bill.

MR. R. PAGET said, he should like to ask one question, which, no doubt, the noble Lord (Lord Frederick Cavendish) would be able to answer, as he, in all probability, had looked at the Bill. It was—what was the alternative imprisonment in case of non-payment of the fine of £500?

LORD FREDERICK CAVENDISH said, he could only say that the question of alternative imprisonment would be discussed as the clauses came on. Many of the clauses, no doubt, the Committee would be willing to accept on the high legal authority under the supervision of which the Bill had been drawn up.

MR. GORST said, he had understood the noble Lord to tell the Committee that there were no alterations in the Bill, but that it was simply one of consolidation. Subsequently, however, it had been stated that there were diminutions proposed in the case of some penalties. He thought that it was important to understand whether it was simply and solely a Consolidation Bill, or whether, as had been intimated, there were certain penalties in which a reduction was proposed. In the latter case the clauses of the Bill would require attention.

LORD FREDERICK CAVENDISH said there was only a slight alteration

proposed in the case of a fine of £500 in Ireland.

MR. R. PAGET said, he should like to ask a further question. He wished to know whether the heavy penalties that were mentioned in the Bill were absolutely incapable of mitigation by the Court of Summary Jurisdiction before which the case was triable? He wished to have a distinct answer upon that point.

LORD FREDERICK CAVENDISH said, he had already stated that all that could be discussed when they came to the penalty clauses. Till then he should not be able to answer the question of the hon. Member.

MR. R. PAGET said, that the noble Lord talked of coming to the penalty clauses; but there were penalty clauses throughout the Bill. For instance, by Section 19 a distiller could be fined £500, and by Section 22, Sub-section 26, the same fine could be inflicted. He thought he was entitled to some information with regard to the mitigation of such penalties.

LORD FREDERICK CAVENDISH said, he had already informed the Committee that there was no alteration in the present state of the law.

MR. R. PAGET said, that under the Summary Jurisdiction Act there was a power of mitigation in certain cases.

LORD FREDERICK CAVENDISH said that the law would remain as before, and the power of mitigation would be the same.

MR. ONSLOW said, that on the second reading of the Bill the other night he had asked the noble Lord to postpone the Committee in order to allow time to look over the Bill. The noble Lord had then assured them that it was a Consolidation Bill that contained nothing new. He (Mr. Onslow) had looked over it, and quite agreed with the noble Lord that it was merely a Consolidation Bill; but, inasmuch as his hon. Friend behind him (Mr. Paget) objected to some portions of it that were in fact not new, perhaps the noble Lord would consent to report Progress. So far as he himself was concerned, he saw no objection why the Bill should not pass through Committee; but still he thought that a little more time should be given, in order to give Members the opportunity of raising any question they thought proper.

LORD RANDOLPH CHURCHILL said, he wished to ask the noble Lord

Lord Frederick Cavendish

the Bill would not be interfered with by the Budget Resolutions of the hon. Gentleman the Chancellor of the Exchequer. There were some regulations laid down in the Bill for instance, Clause 23—in regard to distillers selling or removing spirits. He wished to know whether the Bill had been prepared from the Budget Resolutions of the right hon. Gentleman the Chancellor of the Exchequer, or whether it would not make considerable alterations necessary in the measure now before them?

FREDERICK CAVENDISH said, he would remind the noble Lord that he had just sat down that the Bill referred only to spirits.

MR. GORST said, the noble Lord (Frederick Cavendish) said the Bill referred only to spirits; but would it not also refer to malt? If it was the use of Clause 23? That would affect distillers were not to remove spirits from the malting premises certain persons employed in malting. That appeared to him clearly inconsistent with the Budget Resolutions of the Chancellor of the Exchequer.

MR. NOLAN said, he had hoped the right hon. Gentleman the Chancellor of the Exchequer would have allowed the Irish laws on the subject of malt to become the same as the English on the same subject. He did not see why Ireland should be treated differently in that matter. But the request that had been made had been refused by the Treasury. The refusal to amend the Malt Laws of the two countries was one of the reasons for which he had objected to the Budget of the right hon. Gentleman the present Chancellor of the Exchequer. That subject had been treated in the same way by the late Chancellor of the Exchequer. The laws on the subject, he thought, ought to be identical. He would like to have Clause 23 explained to the Committee. The Revenue received from those laws in Ireland amounted, he believed, to over £4,000,000, which went into the Exchequer and defrayed the whole cost of the Army and Education. He thought the subject was sufficiently important to be examined narrowly and knowing, as he did, how the House of Commons worked after half-past six o'clock, he thought it their duty that the Bill was properly passed.

LORD J. RUSSELL said, if the noble Lord wished for the Bill it would be the other way round, important or not, after being substantiated.

MR. GORST asked a question. The noble Lord answered. It would not affect that, but a sufficient answer with it.

LORD J. RUSSELL said, that the clauses relating to the Bill of the Chancellor of the Exchequer with the Irish and he did not think it would be affected, however, it would be affected, of course the course the Government took was necessary; it stood, and it was desirable that the Government might take the course.

MAJOR RUSSELL said, the noble Lord would wish to know, but, for his part, he thought that the Bill should be assimilated to the English, which was the course which was being taken in the case of cattle. (Lord Russell said, that, in relation to malt.)

LORD J. RUSSELL said, he was not in favour of abolition, but he thought it would be better to affect the cattle; that was the course which was being taken.

MR. O'CONNOR said, several A. B. C. Bill was passed. He thought the reduction should be inflicted on the malt.

SIR HENRY CAMPBELL said, that the malt was much improved.

about that was because he imagined, if the scheme of the right hon. Gentleman the Chancellor of the Exchequer was passed, all restrictions with regard to malt would be taken off, and there would be absolute liberty to feed cattle and to use malt for any other purposes. The whole question seemed to him to come to this—whether any restrictions ought to be included in the Consolidation Bill, because, if they were so included, and the Bill were passed—and no one would admit more readily than he the necessity of passing such a Bill—immediately afterwards it would probably be found that these clauses that contained restrictions were unnecessary. Had it not been for those restrictions, the Consolidation Bill which was before the late Government, and which they were all anxious should pass, would some time since have become law.

MR. GLADSTONE said, he hoped hon. Members would bear in mind one fact with reference to such Bills as the one under discussion, and that was that they were mainly for the convenience of persons out-of-doors. To the Revenue Department it mattered little whether there was a consolidation into one act or not, because, if not collected into one, they could easily discover when and how the separate Bills had been drawn up. The consolidation, of course, rendered reference less troublesome; but it mainly benefited the trade. With regard, then, to the principal question, that was, no doubt, the question of the malt. He hoped in the course of a few weeks to be able to state what exceptions there would be with reference to that tax. As a general rule, he believed the only exception would be where malt might be used among the materials that were higher taxed—articles such as spirit and raw material in certain cases. For that reason he hoped the clause would be allowed to be passed; and he thought that the Committee might be satisfied with the pledge given by his noble Friend (Lord Frederick Cavendish). In that case Members would not be put to the inconvenience of discussing the matter when the Speaker was in the Chair; but the Bill would be recommended with respect to those particular clauses. He thought the Bill was considered on the whole satisfactory; and, therefore, he trusted they might be allowed to proceed with it.

Sir Henry Selwin-Ibbotson

MR. R. PAGET said, he did not quite understand the course intended to be pursued by the Government, and he hoped that the noble Lord would move to report Progress. He desired to say this much, that he considered there was danger in their proceeding any further. He had ventured just before to ask the noble Lord a question whether the heavy penalties were subject to mitigation. He understood the noble Lord to say in reply that those penalties were not so subject; and he (Mr. Paget) was then under the impression that the noble Lord was wrong. Since putting the question, he had made inquiries of his hon. Friend near him, who had consulted the statute, and he now found that the Summary Jurisdiction Act did refer to that matter. Consequently the noble Lord did not appear to be well informed upon the subject; and he thought he had not that complete acquaintance with it that would justify him in asking the Committee to go on with the clauses of the Bill.

MR. GORST said, he really did not wish to cause any embarrassment to the Government; but the 23rd clause of this Bill could not possibly be required when the Budget propositions of the Prime Minister were carried out. By it a distiller was not to be allowed to sell any malt out of his malt-house, and if he did he was to be liable to a fine of £200. Surely it was not intended that a distiller, of all persons in the Kingdom, should be the only person not allowed to sell malt. What was the meaning of abolishing the Malt Tax if they were going to impose upon the distiller this peculiar disability. A clause like that had obviously been drawn by some person in ignorance of the intentions of the Chancellor of the Exchequer with regard to the Malt Tax; and now that those intentions were known, and it was understood by everybody that the Malt Tax would be repealed, it seemed to him it would obviously be better to postpone the further consideration of the 23rd clause until they had the propositions of the Budget Bill before them.

LORD RANDOLPH CHURCHILL thought the Committee would do well to accept the proposition of the noble Lord opposite. The only object of the Government, as he said, was to consider the convenience, and the wishes of hon. Members; and, for his part, he did not

believe that hon. Members had the slightest idea of the magnitude of that Bill, or that it would come on at such an hour in the morning. The original proposition of the noble Lord, to which he did not understand the Prime Minister to have dissented, was to report Progress, when hon. Members not then present could see by the Papers that the discussion on the Bill had commenced, and those interested in it would be prepared on a future occasion to represent their views to the House and to the Government. Therefore, he hoped he should have the support of the noble Lord in moving to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Lord Randolph Churchill.*)

MR. BARING said, he had a few days ago proposed that the second reading should be adjourned, because hon. Members had not had time to make themselves acquainted with the Bill, and he was not quite sure that some alterations had not been introduced under the form of consolidation as had been occasionally done before. He was now perfectly satisfied that there was nothing of that sort in the Bill, except that in one or two cases there had been a mitigation of penalties; and, therefore, he was not at all prepared to accept the action of some hon. Members on his side of the House, because he thought they were confusing two very different things—namely, altering the law, and making it simpler. He, however, entirely agreed with the Prime Minister that it was very much for the interest of non-official and non-legal persons that the law should be as simple, practical, and clear as possible; and, so far as he could make out, this Bill was a good move in the direction of helping persons who were not official or legal persons to understand the law. If the propositions of the noble Lord opposite were carried, the law would not, as at present, be scattered through a great number of Acts; and while the result would be not to make the law at all more difficult, it would very beneficially affect its present state. He should prefer seeing the second reading of the Bill passed at once; and any alterations necessary, in consequence of the Budget Resolutions, could be made subsequently.

MR. O'SULLIVAN considered the restrictions on the keeping of malt by distillers quite unnecessary, as the Malt Tax was to be abolished; and, therefore, he would advise the noble Lord (Lord Frederick Cavendish) to adjourn the discussion on this proposal, in order that he might, in the meantime, consult the authorities.

LORD FREDERICK CAVENDISH said, that as it appeared to be desired by some hon. Members that more time should be given to consider the Bill, he would be quite ready to assent to the proposal; but, at the same time, he must remind the House that it was necessary for them to get on with their Business.

Question put, and *agreed to.*

Committee report Progress; to sit again upon *Thursday.*

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—[BILL 155.]

(*Sir Thomas Chambers, Mr. Collins, Dr. Cameron, Mr. Alderman Cotton, Sir Harcourt Johnstone, Mr. Morley, Mr. Trevelyan, Mr. Stuart-Wortley.*)

SECOND READING.

Order for Second Reading read.

MR. ONSLOW said, he rose to a point of Order. It was in the knowledge of all of them that in "another place" a Bill identical with the present one was now set down for discussion and stood for second reading on Friday. He wished to ask Mr. Speaker whether a Bill exactly similar to the present one could come on in "another place" at the same time?

MR. SPEAKER: Having no knowledge of the Bill in question I must defer answering the hon. Gentleman.

Second Reading *deferred till Friday.*

WILD BIRDS PROTECTION LAW AMENDMENT BILL.—[BILL 211.]

(*Mr. Dillwyn, Sir John Lubbock, Mr. James Howard.*)

COMMITTEE.

Order for Committee read.

MR. DILLWYN, in moving that Mr. Speaker do now leave the Chair, said, he might observe that there were some Amendments proposed to be made in the Bill, and he had arranged with his hon.

Friends to report Progress directly the Chairman got into the Chair, in order to answer these Amendments, and then he hoped by Thursday they would be able to go on with the Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Dillwyn.*)

MAJOR NOLAN observed that, if he read the Bill correctly, it proposed that all wild birds of whatever sort were to be preserved. He objected to that very much. He objected to magpies, hawks, and scorn-crows being preserved. He did not know of any other birds that he particularly objected to; but then he did not know much about them. He thought all birds which were considered to belong to the predacious classes ought not to be preserved. If these were omitted, he should be satisfied; but, otherwise he should be obliged to object to the Speaker leaving the Chair.

SIR JOHN LUBBOCK said, he thought his hon. Friends would be disposed to leave out the magpies; but he should like to say a word for hawks. They were a very interesting, and, in some cases, useful tribe of birds, and were being rapidly exterminated. Still, if it was wished to exclude them, their case might be considered in Committee. No doubt his hon. Friends would consent to do that. Therefore, he hoped the hon. and gallant Gentleman would allow them to get into Committee, as it was not proposed at present to go any further. The reason for protecting all wild birds was that it was found that when only certain classes were protected persons who destroyed them always pretended, when they were caught, that they were out for the purpose of destroying birds which were not protected by the Bill.

SIR HENRY SELWIN-IBBETSON said, he was exceedingly anxious that this Bill should be allowed to pass, because, at the present time, he did not think the House was aware of the extent to which the existing laws were set at naught, and the amount of cruelty that was perpetrated on many birds. He was quite sure his hon. and gallant Friend opposite would not wish to see many birds which he (Sir Henry Selwin-Ibbetson) could name left unprotected as they were by the existing law. This

Mr. Dillwyn

Bill really would only enable the old law for the protection of birds to be enforced, and would give some guarantee, at any rate, against the cruelties undoubtedly perpetrated under the existing law.

MR. J. W. BARCLAY did not think the Bill would at all prevent cruelty from being committed, for this was the third Wild Birds' Protection Bill that he had known during the last half-dozen years, and the others were certainly inoperative. He objected to this Bill, because he thought it had the character of a Game Bill. ["Oh!"] Hon. Members might smile; but one effect of it would be to protect wood pigeons, which were a greater nuisance than all the game birds put together. It was required by the Bill that an occupier of land, to protect his crops by shooting birds, must either do it himself, or give a writing under his hand to somebody else. He thought that farmers and market gardeners, who principally kept wild birds, should have full liberty to kill them; whereas, if they had to give permission in writing to persons to do it, he thought they would be very much hampered. He was sorry to say that he felt he must oppose this Bill, and he hoped the hon. Gentleman would not press them to go into Committee that night, but would give them some opportunity to discuss the whole measure at a time when the speeches of hon. Members could be reported. Many persons had sentimental feelings in regard to birds; but such people usually knew nothing of the depredations of which market gardeners and farmers and others complained. Those persons certainly should be heard in this matter, for in Scotland, at any rate, wood pigeons had become such a nuisance that subscriptions had been entered into amongst the farmers for having them shot down and their nests destroyed. Under the present Bill he doubted very much whether that could be done. He objected very much to proposals of this kind to keep large stocks of birds at the expense of farmers and market gardeners.

SIR WILLIAM HARCOURT understood that his hon. Friend the Member for Swansea (Mr. Dillwyn) did not propose to go further than merely getting the House into Committee; and, therefore, he did not see that anyone could object to that. There was a good

deal to be said against some points in the Bill, for he was afraid, for instance, one clause in it would prevent the importation of ortolans, quails, and other foreign game birds, which, of course, was not desirable. Then, with regard to what his hon. Friend (Mr. Barclay) had said, he was not at all sure whether this would not be a very good substitute for a Game Bill, if, instead of protecting particular birds, the House laid down the principle that all birds might be killed by anybody who had the permission of the tenant; it would be a very good provision, but, of course, he did not propose to discuss that subject then. There was a good deal in the Bill that required criticism; but he was quite sure before Committee was actually reached his hon. Friend would be quite ready to discuss all these questions.

MR. ONSLOW remarked that this objection as to ortolans and quails had been already pointed out to him, and in consequence he had spoken to two very large game importers on the subject; and, from what he heard from them, he was quite sure that his hon. Friend would move to have them exempted. At the same time he did hope the Bill would be allowed to pass. With regard to hawks, he might remind the hon. Baronet that there was only one class which lived on game birds—namely, sparrow hawks, and that the kestrel did not. Therefore, the only necessity was for the exclusion of one particular kind of hawk.

MR. R. PAGET said, if the Home Secretary favoured the principle of the Bill, he hoped he was also in favour of Clause 4, which gave the legal owner of the land power to withdraw any authority to kill or destroy any wild bird, so that the principle would be established that the owner had absolute power to withdraw any authority to kill or destroy any wild birds, and had power to deal as he pleased, and reserve the right of killing and taking those birds, which were the subject of the Bill.

MR. T. T. PAGET hoped the House would go at once into Committee; for he believed that wholesale destruction of wild birds was at present going on. In the particular part of the country from which he came he knew that insects had very largely increased in consequence of the small birds having been killed; and, therefore, he hoped that the House

would do its best to secure some protection for the small birds.

SIR DAVID WEDDERBURN thought the Bill ought to be sent to the Select Committee; for it could not be fairly discussed in that way. They had had Select Committees on this subject already, and the result was not eminently satisfactory; but the results would be still less so if the House were to discuss this Bill in Committee at such an hour of the night as that. If the House allowed the Speaker to leave the Chair, they would not be able to amend the Bill afterwards as it should be amended; and he, for one, though very unwilling to oppose the Bill, would therefore say "No" to the Motion.

Question put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Preamble.

MAJOR NOLAN said, no doubt this was a very good Bill; but he should like to have the views of some people upon it before it passed into law. Certainly the predacious class of birds ought to be removed from it altogether. ["Progress!"] Hon. Gentlemen might say "Progress." [Sir HENRY SELWIN-IBBETSON: But Progress will be moved immediately.] He (Major Nolan) knew it would; but he wanted to talk about the Bill to show how it might be improved. Wood pigeons, for instance, had been mentioned; and there were many other birds which were very injurious. For instance, a man who shot rooks would be liable to all these penalties, unless he got a permission in writing. This was a very good Bill in its way, and he had no objection to it generally; but he ought to know whether his particular views would be met or not, as, if not, it would be tolerably easy to stop it at the present stage; while if it were allowed now to go on without any declaration on the part of the Members who had it in charge that they were ready to agree to his proposals, that subsequently would be very difficult. He should certainly oppose the Bill as much as he could unless he got an assurance to that effect.

MR. DILLWYN replied, that he was not only willing, but anxious, to meet the wishes of the hon. and gallant Gen-

cure a Return of the number of evictions in Ireland for non-payment of rent during the years 1878 and 1879 in each Poor Law Union scheduled under the Relief of Distress (Ireland) Act? The noble Earl said, he wished to explain the reasons which had induced him to put this Question to Her Majesty's Government. A large number of evictions were said to have taken place in Ireland of late; and in consequence of that statement he thought the Government, especially as legislation was to be proposed on a principle never before heard of in any civilized country, were bound to allow the persons who had committed these evictions to be known to the public, if there were any such persons. He himself did not believe that there had been in Ireland during the last few years a great number of evictions. On his own estate in the county of Down, on which there were more than 1,700 tenants, within the last 10 years there had not been a single eviction except at the instance of the tenants themselves. He was not stating this in order to take any credit for it to himself or any of his predecessors, because he believed the the same state of things was the case upon a very large majority of the estates in Ireland. If the Government would consent to give the information which he asked for to the country, he was quite prepared to alter the Return in any way his noble Friend the Lord President of the Council desired, so long as the main facts were disclosed. He also wished to call the attention of his noble Friend to the wording of his Question. He wished to ascertain the number of ejectments that had been carried out, but did not want to know how many had been served, because many tenants had to have ejectments served upon them in order to induce them to pay their rent.

THE EARL OF LEITRIM wished to corroborate the statement which had been made by the noble Earl, and also to mention a few facts to the House. Speaking from his own personal experience, and following the steps of the noble Earl, he could say that last year in Donegal, when he went to that part of the country, the tenants absolutely refused to make any payment of rent, although they were at the time two years in arrears. In consequence, he had been obliged to send out notices—upon which there were no costs—but

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not a single tenant would respond. What was the result? Of course he had to proceed to the last extremity, and served, accordingly, notices upon every townland on the estate. He believed he served as many as 260 ejectments; and when the tenants found he was not to be trifled with, they at once came in and paid what they could, the result being that he received between £8,000 and £10,000 without any really severe pressure upon the tenantry. But how many of these ejectments had been executed? Why, he did not think three tenants had been evicted, and still nearly every tenant owed him more than one year's rent; some of the tenants owed him three or four years' rent. He had not taken advantage of that; but, as a Bill to punish the Irish landlords was going to be introduced by Her Majesty's Government in "another place," he thought it desirable that the information now asked for should be furnished to Parliament.

EARL SPENCER: I have no objection to accede to the request of the noble Earl who put the Question. With regard to what he has stated as to the evictions, as far as I understand the Return that will be made, it will refer to the actual evictions made, and not the mere notices of evictions. In addition to the Return asked for, I would suggest that the Return should be extended so as to include the early months of this year. I think that is an important addition to the Return asked for by my noble Friend. As he does not move actually for the Return, I may say that I am prepared to grant the Return on the part of Her Majesty's Government, and I will confer with the noble Earl, if he will allow me, as to the actual form in which I shall present the Return. It will be necessary for me to consult with the Chief Secretary in the matter; but after doing so I will consult the noble Earl.

THE EARL OF LIMERICK said, that one of the special charges made against the Irish landlords was that the existing distress had been used by some landlords to enforce evictions; and it was a question whether it might not be well to see the proportion which those evictions in the distressed districts bore to the evictions to the country generally.

THE EARL OF ANNESLEY said, he agreed to the alterations proposed by the Lord President of the Council; but

EARLDOM OF MAR.

NOTICE OF MOTION.

THE EARL OF GALLOWAY: I beg to give Notice to the noble and learned Lord on the Woolsack that on Thursday, July 1st, I shall move—

That in accordance with the Resolution agreed to by this House on the 14th June, "That it is incumbent upon this House to rescind their Order of 26th February 1875, which ran as follows, viz.: 'That at the future meetings of the Peers of Scotland assembled under any Royal Proclamation for the election of a Peer or Peers to represent the Peerage of Scotland in Parliament, the Lord Clerk Register, or the Clerks of Session officiating thereat in his name, do call the title of Earl of Mar according to its place on the Roll of Peers of Scotland called at such election, and do receive and count the vote of the Earl of Mar claiming to vote in right of the said earldom, and do permit him to take part in the proceedings of such election;'" to resolve that the said Order be rescinded, and that intimation to that effect be made to the Lord Clerk Register of Scotland.

OUTRAGES (IRELAND).

MOTION FOR A RETURN.

THE EARL OF LIMERICK moved for a Return of all robberies and attempted robberies of arms which have been reported by the Royal Irish Constabulary between the 1st of January 1878 and the 31st of March 1880, giving particulars of crime, arrests, and results of proceedings in the following form:—Number, date, and name of persons whose arms were taken or attempted to be taken; offence, giving description and short details of persons made amenable and the result of the proceedings. The noble Earl said, he moved for this Return, which was supplemental to the Return which the Lord President of the Council moved for a short time ago with regard to agrarian crime.

EARL SPENCER said, he did not move for the Return referred to.

THE EARL OF LIMERICK begged pardon for the mistake he had made. He referred to the Return which the late Lord President of the Council laid upon the Table. That Return contained the number of agrarian crimes in Ireland committed during the course of 1879 and the first month of the present year, and many of their Lordships considered that that Return showed a state of things in Ireland which was by no means satisfactory. The number of offences contained in that Return was no less than 979; but from the nature of the Return it was im-

possible to include in it a number of very grave offences, which also, he thought, showed a very unsatisfactory state of things in Ireland—namely, robberies, and attempted robberies of arms. He believed offences of this character had prevailed to a great extent throughout Ireland during the last year; and he knew, from his own personal experience, that in a very small district indeed no less than six outrages had been committed within the space of a very few miles in a very short space of time by armed bands varying in number from two to ten, with different degrees of violence. From his own experience, he feared that the number of these offences committed throughout Ireland in the course of the year must have been very considerable. It could scarcely be supposed that the object of the persons engaged in those outrages was mere robbery, or that their intention was to use the arms only in shooting hares and rabbits. It was to be feared that they desired possession of arms for a purpose much more serious. The form in which he moved for the Return was identical with that adopted in the Return relating to agrarian outrages to which he had referred. He trusted it would be found that he was wrong in assuming that this particular class of crime had been numerous; but he thought, in any case, it would be desirable to have information on the subject.

EARL SPENCER: Her Majesty's Government have no objection to grant the Return for which my noble Friend has moved.

Motion agreed to.

Return of all robberies and attempted robberies of arms which have been reported by the Royal Irish Constabulary between the 1st of January 1879 and the 31st of March 1880, giving particulars of crime, arrests, and results of proceedings in the following form:—Number: Date of Offence: Names of Persons whose Arms were taken or attempted to be taken: Offence:—Description; Short Details; Names of Persons made amenable: Result of Proceedings.—(*The Earl of Limerick.*)

Ordered to be laid before the House.

DISTRESS (IRELAND)—EVICTIONS.

QUESTION. OBSERVATIONS.

THE EARL OF ANNESLEY asked the Lord President of the Council, Whether Her Majesty's Government would pro-

cure a Return of the number of evictions in Ireland for non-payment of rent during the years 1878 and 1879 in each Poor Law Union scheduled under the Relief of Distress (Ireland) Act? The noble Earl said, he wished to explain the reasons which had induced him to put this Question to Her Majesty's Government. A large number of evictions were said to have taken place in Ireland of late; and in consequence of that statement he thought the Government, especially as legislation was to be proposed on a principle never before heard of in any civilized country, were bound to allow the persons who had committed these evictions to be known to the public, if there were any such persons. He himself did not believe that there had been in Ireland during the last few years a great number of evictions. On his own estate in the county of Down, on which there were more than 1,700 tenants, within the last 10 years there had not been a single eviction except at the instance of the tenants themselves. He was not stating this in order to take any credit for it to himself or any of his predecessors, because he believed the the same state of things was the case upon a very large majority of the estates in Ireland. If the Government would consent to give the information which he asked for to the country, he was quite prepared to alter the Return in any way his noble Friend the Lord President of the Council desired, so long as the main facts were disclosed. He also wished to call the attention of his noble Friend to the wording of his Question. He wished to ascertain the number of ejectments that had been carried out, but did not want to know how many had been served, because many tenants had to have ejectments served upon them in order to induce them to pay their rent.

THE EARL OF LEITRIM wished to corroborate the statement which had been made by the noble Earl, and also to mention a few facts to the House. Speaking from his own personal experience, and following the steps of the noble Earl, he could say that last year in Donegal, when he went to that part of the country, the tenants absolutely refused to make any payment of rent, although they were at the time two years in arrears. In consequence, he had been obliged to send out notices—upon which there were no costs—but

not a single tenant would respond. What was the result? Of course he had to proceed to the last extremity, and served, accordingly, notices upon every townland on the estate. He believed he served as many as 260 ejectments; and when the tenants found he was not to be trifled with, they at once came in and paid what they could, the result being that he received between £8,000 and £10,000 without any really severe pressure upon the tenantry. But how many of these ejectments had been executed? Why, he did not think three tenants had been evicted, and still nearly every tenant owed him more than one year's rent; some of the tenants owed him three or four years' rent. He had not taken advantage of that; but, as a Bill to punish the Irish landlords was going to be introduced by Her Majesty's Government in "another place," he thought it desirable that the information now asked for should be furnished to Parliament.

EARL SPENCER: I have no objection to accede to the request of the noble Earl who put the Question. With regard to what he has stated as to the evictions, as far as I understand the Return that will be made, it will refer to the actual evictions made, and not the mere notices of evictions. In addition to the Return asked for, I would suggest that the Return should be extended so as to include the early months of this year. I think that is an important addition to the Return asked for by my noble Friend. As he does not move actually for the Return, I may say that I am prepared to grant the Return on the part of Her Majesty's Government, and I will confer with the noble Earl, if he will allow me, as to the actual form in which I shall present the Return. It will be necessary for me to consult with the Chief Secretary in the matter; but after doing so I will consult the noble Earl.

THE EARL OF LIMERICK said, that one of the special charges made against the Irish landlords was that the existing distress had been used by some landlords to enforce evictions; and it was a question whether it might not be well to see the proportion which those evictions in the distressed districts bore to the evictions to the country generally.

THE EARL OF ANNESLEY said, he agreed to the alterations proposed by the Lord President of the Council; but

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he should like to ask whether Her Majesty's Government would give a Return of all the landlords in Ireland? He should very much like to know how many evictions had taken place throughout the whole of Ireland.

EARL SPENCER thought the best course would be for him to confer with the noble Earl below the Gangway (the Earl of Limerick) and the noble Earl who had asked the Question; but he must point out that it would be impossible for Her Majesty's Government to grant what the noble Earl wished—namely, to give the names of all the landlords who had evicted tenants. He thought it would not be possible for the Government to grant that, although they would extend the Return to the whole of Ireland.

THE EARL OF ANNESLEY said, he merely said that he himself should have liked to know how many evictions had taken place in Ireland; but he thought that Her Majesty's Government could hardly take the responsibility of refusing the country the Return he asked for, considering the extraordinary nature of the legislation that was about to be proposed.

THE EARL OF KIMBERLEY pointed out that the Lord President of the Council had not refused to grant the Return, but only said that he could not grant the names of the landlords who had evicted tenants.

House adjourned at a half past Five o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 22nd June, 1880.

MINUTES.] — PUBLIC BILLS—*Ordered—First Reading*—Iale of Man (Loans) * [241]; Taxes Management * [242]; Local Government Provisional Order (Poor Law) (No. 2) * [243]; Relief of Distress (Ireland) * [244].
Second Reading—Inclosure Provisional Order (Abbotside Common) * [218]; Inclosure Provisional Order (Clent Hill Common) * [217]; Inclosure Provisional Order (Llanfair Hills) * [216]; Consolidated Fund (No. 1) *.
Report—Local Government Provisional Order (Poor Law) * [121].

CONTROVERTED ELECTIONS.

Mr. SPEAKER informed the House, that he had received from the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, Certificates and Reports

For the Borough of Wallingford; and
For the Borough of Westbury.

And the same were severally read, as follows:—

WALLINGFORD ELECTION.

Parliamentary Elections Act, 1868.

To the Rt. Honble.

The Speaker of the House of Commons.

We, the Honble. George Denman, and Sir Henry Lopes, knt., Judges for the trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify that upon the 18th day of June 1880, and the following day, we held a Court at Wallingford for the trial of, and did try, the Election Petition for the Borough of Wallingford between Edward Wells, Petitioner; and Walter Wren, Respondent.

And, in further pursuance of the said Act, We certify that we determined that the said Respondent was not duly elected and returned, and that the said Election is void. And we hereby certify in writing such our determination to you.

And whereas charges were made in the said Petition of corrupt practices having been committed at the said Election, we further, in pursuance of the said Act, report in writing to you as follows:—

1. That no corrupt practice was proved to have been committed by or with the knowledge or consent of any Candidate at the said Election.

2. That the following persons were proved at the trial to have been guilty of corrupt practices, that is to say, of bribery at the said Election:—Harry Hedges, Thomas Hedges, James Rusher, John Rusher, Charles Harris, Joseph Lamb, Edwin Butcher, Isaac Wilkins, George Sanders, James Pratt, James Taplin, and John Green.

3. That we have no reason to believe that corrupt practices extensively prevailed at the Election to which this Petition relates.

Wallingford,
19th June 1880.

GEORGE DENMAN.
HENRY C. LOPES.

WESTBURY ELECTION.

The Parliamentary Elections Act, 1868.

The Parliamentary Elections and Corrupt Practices Act, 1879.

The Parliamentary Elections and Corrupt Practices Act, 1880.

To the Right Honourable

The Speaker of the House of Commons.

We, the Right Honourable Sir Robert Lush, knight, and the Honourable Sir Henry Manisty, knight, Judges of the High Court of Justice, and two of the Judges for the time being for the trial of Election Petitions in England, do

hereby, in pursuance of the said Acts, certify that upon the 14th, 15th, 16th, 17th, and 18th days of June 1880, We duly held a Court at the Town Hall in the Borough of Westbury, in the County of Wilts, for the trial of, and did try, the Election Petition for the said Borough between Abraham Laverton, Petitioner; and Charles Nicholas Paul Phipps, Respondent.

And, in further pursuance of the said Acts, We certify and report that, at the conclusion of the said trial, we determined that the said Charles Nicholas Paul Phipps, being the Member whose Election and Return were complained of in the said Petition, was duly Elected and Returned, and we do hereby certify in writing such our determination to you.

And whereas charges were made of corrupt practices having been committed at the said Election we, in further pursuance of the said Acts, Report as follows:—

(a.) That no corrupt practice was proved to have been committed by or with the knowledge or consent of any candidate at such Election;

(b.) We further Report that the following persons have been proved, at the trial, to have been guilty of the corrupt practice of bribery:—

George Cornish, of Lower Road, Westbury, farmer,

William Cornish, senior, of Westbury;

(c.) That there is no reason to believe that corrupt practices have extensively prevailed at the Election for the Borough of Westbury, to which the said Petition relates.

Dated this 18th day of June 1880.

ROBT. LUSH.

HENRY MANISTY.

And the said Certificates and Reports were ordered to be entered in the Journals of this House.

QUESTIONS.

THE ARMY CIRCULARS—APPENDIX TO CLAUSE 154—ADVERTISEMENTS.

EARL PERCY asked the Secretary of State for War, Whether it is the fact that the "Newcastle Guardian," the "Birmingham Morning News," the "North Briton," and other journals printed in the list of newspapers in which Army advertisements may appear in the Appendix to Clause 154 of the Army Circulars, 1st June 1880, are no longer in existence; and, if so, whether he will direct a revision of the list?

MR. CHILDERS: I have to thank the noble Lord for calling my attention to the somewhat obsolete character of the newspaper list in the Appendix to Clause 154 of the Army Circulars. It is a matter with which the War Office has nothing to do, but I have communi-

cated with the Treasury on the subject; and an amended, and, I hope, more accurate list of newspapers in which Army advertisements may appear has been received to-day.

POST OFFICE (IRELAND) — POSTAL COMMUNICATION IN LEITRIM.

MAJOR O'BEIRNE asked the Postmaster General, What reply has been given by the Post Office authorities to an application from the residents of Glenade, co. Leitrim, to have daily Postal communication between that village and Manor Hamilton, co. Leitrim; and, if there is any prospect of such Postal communication being soon established in that locality?

MR. FAWCETT, in reply, said, there was already postal communication between Glenade and Kinlough four days a-week, and it had not been found to pay the expenses, so that he could not offer any hopes of a daily service.

THE MAGISTRACY (IRELAND)—PETTY SESSIONS DISTRICT OF DROMORE.

MR. SEXTON asked Mr. Attorney General for Ireland, If it be true that, about a year ago, the Magistrates of Tyrone, assembled at the Omagh Quarter Sessions, resolved to form a new petty sessions district, comprising a number of townlands in the county of Tyrone, and a few in the county of Fermanagh, and having its court in the village of Dromore; that a court-house was accordingly erected at Dromore, and several petty sessions held there, but that the Court of Queen's Bench being appealed to on the subject, delivered a judgment quashing the whole proceedings, and declaring the establishment of the new petty sessions district void; if, since the intervention of the Queen's Bench Court, the Magistrates of Tyrone have refused to take back the village of Dromore, and the townlands assigned to the Dromore district, into the petty sessions district to which they formerly belonged, with the result that the inhabitants of that village and those townlands have been left since the 3rd of April last without the ordinary service of the law; and, if he can assure the House that the Government will take steps to make amends to the district isolated by this conduct of the magistrates?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Sir, in answer to the first part of the Question of the hon. Gentleman, it is a fact that the Chairman and Justices of the county Tyrone, assembled in Quarter Sessions, did form a new Petty Sessions district having its court-house in the village of Dromore, as stated. To form this district, they took a number of townlands from certain adjoining Petty Sessions districts of the county Tyrone and a few from the Petty Sessions district of Lack, in the county Fermanagh, declaring that all should together constitute the new Petty Sessions district of Dromore. The Court of Queen's Bench being appealed to by the Petty Sessions Clerk of Lack, has quashed not the whole proceedings, but, as I am informed, only so much of the Quarter Sessions order as purported to transfer the townlands belonging to the Lack district, in the county Fermanagh, leaving the order and constitution of the new district unaffected as to the rest. With regard to the second part of the Question, I am not aware of any application having been made to the Tyrone Justices to take back the village of Dromore and other townlands which still form parts of the Dromore district. They, as I understand, now constitute the Petty Sessions district of Dromore; and the Petty Sessions there held will, we hope, be found a convenience to the inhabitants. While the legal constitution of the district, as including the Lack townlands, was being litigated, it was thought prudent to suspend the holding of any Petty Sessions at Dromore; but now that the controversy has been decided and the true area of jurisdiction ascertained, the holding of Sessions will, I presume, be at once resumed.

AFGHANISTAN—THE WAR—APPORTIONMENT OF EXPENSES.

MR. J. K. CROSS asked the First Lord of the Treasury, Whether he is yet able to state the intentions of Her Majesty's Government respecting the apportionment of the charges for the cost of the Afghan War; and, whether he can state the amount, if any, which will be charged upon the Home Treasury during the current year?

MR. GLADSTONE: I am sorry that I must still make the same reply which I gave to a similar Question a short time ago, and state that our information does not enable us to give any clear account at the present moment of the charges of the Afghan War, and, therefore, does not suffice to raise any question that might be supposed to lie between the Indian and the Home Government. It would be inconvenient to the House that we should produce to the House an authenticated statement liable to be overturned or materially changed by subsequent and more detailed information.

THE TREATY OF BERLIN—EXECUTION OF THE ARTICLES.

LORD JOHN MANNERS asked the First Lord of the Treasury, Whether Her Majesty's Government are taking any and, if so, what steps to procure the prompt execution of the unfulfilled provisions of the Treaty of Berlin which do not depend upon the action of Turkey?

MR. GLADSTONE: There are a very large number of unfulfilled provisions in the Treaty of Berlin—that is to say, of provisions which are partially fulfilled, as well as of some that are wholly unfulfilled. Out of the 60 odd Articles of the Treaty there are about 24 in regard to which the provisions are yet in one of those two categories. We should desire to see all the obligatory provisions fulfilled—I do not say those that are optional. At the same time, we think a distinction may be made between those that are important and those that are less important. For example, there is the question of the Frontier between Roumelia and Bulgaria, which is a matter not finally settled, but which advances towards settlement; but we cannot think that questions of that kind, nor even the much more important one of razing the fortresses, is to be compared in importance with those provisions in which the action of Turkey is principally concerned, because those are provisions which bear directly upon the peace and security of the districts concerned, upon the possession of guarantees for life, property, and honour. Undoubtedly we shall take all steps, as opportunity may offer, for the fulfilment of the provisions of the whole Treaty.

INLAND REVENUE—NON-INTOXICATING BEVERAGES.

BARON DE FERRIERES asked the First Lord of the Treasury, If it is true that the Inland Revenue authorities have given instructions to prosecute the manufacturers for sale of non-intoxicating beverages in whose production balm is used, but which contain no appreciable quantity of alcohol; and, if no such instructions have been given, is there any intention of doing so?

MR. GLADSTONE, in reply, said, this was a matter which was in progress at the time he took Office. The Board of Inland Revenue, as a matter of administration, found themselves in a difficulty with respect to the increasing sale of non-intoxicating beverages in which alcohol was generated in the process of manufacture just as in the case of intoxicating beverages. The Board of Inland Revenue laid down the rule that they would not prosecute in those cases where the crude alcohol was less than 3 per cent, which ought to be tolerably safe as regarded its non-intoxicating quality. In the existing state of legislation with regard to Beer and Malt Duties, there had been an entire suspension of the proceedings against the brewers of such articles, and the subject would remain for consideration until a future day.

MERCANTILE MARINE—FRENCH BOUNTY ON SHIPPING.

DR. CAMERON asked the Under Secretary of State for Foreign Affairs, Whether it is a fact that the French Government have introduced, or intend to introduce, a measure providing for the payment of a bounty of one and a half francs per ton on every ton of new shipping built in France for each thousand miles traversed in voyages to and from France; and, if so, whether Her Majesty's Government will exert their influence with the Government of France to prevent the enactment of a measure so re-actionary and so prejudicial to the interests of the British carrying and shipbuilding trades?

SIR CHARLES W. DILKE: A Bill to this effect has been before the French Chamber of Deputies for some months; but it has not yet become law. Her Majesty's Government will not fail to

call attention to the subject in the course of any negotiations which may take place between the two Governments.

COMPENSATION FOR DISTURBANCE (IRELAND) BILL—THE SCHEDULE.

MR. LABOUCHERE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Schedule to the Compensation for Disturbance (Ireland) Bill is to be considered as final, or whether he will be prepared in Committee to add to that Schedule, should he be convinced from the arguments which he may hear, that further districts require to be added?

MR. W. E. FORSTER: Mr. Speaker, the hon. Member asks me rather a curious Question. He asks me if I will commence by making an alteration in this Bill before it is read a second time. I hope that this Bill, and any Bill that a Minister has charge of, will not be altered under such circumstances. I must say, however, that he advanced a very strong argument; but I think I can show, when I bring in the measure, why its operation should be confined to the scheduled district where there is exceptional distress.

NAVY—SCHOOL OF ENGINEERS AT KEYHAM.

MR. MAOLIVER asked the Secretary to the Admiralty, If the new school for engineers about to be opened at Keyham Yard, Devonport, had been placed under a new commander, instead of following the example so successfully pursued on board H.M.S. "Marlborough" at Portsmouth, where the discipline and internal arrangements are left entirely in the hands of the chief engineer; and, whether this appointment is not in direct contravention of Sir A. Cooper Key's Report?

MR. SHAW LEFEVRE: It is quite true, Sir, that in pursuance of a decision of the late Board of Admiralty, a commander has been put at the head of the new school for Engineers at Keyham. Admiral Sir A. Cooper Key informs me that this arrangement is not only not in contravention of the Report of the Committee of which he was Chairman, but was made upon his special recommendation; for although the arrangement in the *Marlborough* has worked well, he considered it very desirable to connect

the Executive and Engineer branches of the Service by placing the school at Keyham under a judicious and carefully-selected commander.

TREATY OF BERLIN—THE EASTERN ROUMELIAN COMMISSION.

SIR WILFRID LAWSON (for Mr. H. SAMUELSON) asked the Under Secretary of State for Foreign Affairs, What progress is being made with the business of the Eastern Roumelian Commission now assembled at Constantinople?

SIR CHARLES W. DILKE: Her Majesty's Commissioner arrived in Constantinople on the 22nd ultimo, but his Turkish Colleagues had not then been appointed, and no steps appear to have been taken to bring the Commission together until the 30th, when the names of the Turkish Commissioners were first announced. Said Pasha promised at the same time that translations of the proposed new Vilayet Law should be distributed immediately; but, notwithstanding repeated assurances to this effect, they are still withheld, and the Commission is consequently unable to proceed to business. The first formal meeting was held on the 17th instant, and a second meeting was to have taken place yesterday; but, according to the latest information received by Her Majesty's Government, it was adjourned by the Turkish Commissioner *sine die*. The other members of the Commission have expressed very strongly their dissatisfaction at these continued delays, and have insisted on an early meeting and a distribution of the official translation of the law.

CUSTOMS AND INLAND REVENUE BILL—CLAUSE 33—THE BEER DUTY.

MR. BIDDELL asked Mr. Chancellor of the Exchequer, Whether, under the thirty-third Clause of the Customs and Inland Revenue Bill, a small farmer living in a house of £8 or £10 annual value, and farming thirty or forty acres of land which, with his house, is of more than £20 annual value, will be allowed to brew without any Duty being charged on his malt beer?

MR. GLADSTONE: The 32nd clause of the Customs and Inland Revenue Bill was meant to imply—and undoubtedly

does imply—that in the case of persons to be exempted the value of the land should be taken, together with that of the house itself. I confess I am very doubtful as to whether it would be possible to give any other form to the enactment without introducing a very great inequality into the law.

MR. BIDDELL wished to know whether the right hon. Gentleman was to be understood as saying that a small farmer would be liable to the duty?

MR. GLADSTONE: A farmer whose house and land together are valued at above £20 would be liable to make returns of the materials used by him in order not to be inspected in his process, but to be charged beer duty upon those materials.

MR. BIDDELL: And to pay it.

HALL MARKING (GOLD AND SILVER)— FORGED HALL MARKS.

MR. M. GUEST asked Mr. Chancellor of the Exchequer, Whether his attention has been directed to a paragraph which has lately appeared in several of the Daily Newspapers, stating that 647 pieces of antique plate, with forged Hall Marks, had been found in the possession of a collector who had purchased them at an enormous price, as genuine; whether steps will be taken, in pursuance of the Act 7 and 8 Vic. c. 22, s. 3, to enforce the penalties with regard to the seller of such plate; and, further, having regard to the enormous increase in the numbers of such frauds, whether it is the intention of Her Majesty's Government to recommend the adoption of some more efficient means for putting a stop to such illegal practices, with a view to protecting the Revenue and the public at large?

LORD FREDERICK CAVENDISH: The attention of the Board of Inland Revenue was drawn some time ago to paragraphs which appeared in the daily newspapers relative to the discovery that a number of pieces of plate had been sold bearing forged hall marks, and it was found on inquiry at Goldsmiths' Hall that action was being taken in the matter. A statement has been prepared to-day, in consequence of the Question of my hon. Friend, by Mr. Prideaux, the clerk of the Goldsmiths' Company, showing the nature of the case and the

present state of the proceedings. In the present instance the marks purport to be of the reign of Queen Anne, which is prior to the date of the first imposition of the plate duty, and there are, consequently, no duty marks thereon. The Board of Inland Revenue would certainly deem it incumbent on them to take proceedings for the forgery of duty marks when such could be proved.

MR. M. GUEST asked, Whether the noble Lord would kindly put the Paper on the Table of the House?

LORD FREDERICK CAVENDISH: I scarcely think it is of sufficient importance; but if the hon. Member moves for it I shall have no objection to place it on the Table.

COMPENSATION FOR DISTURBANCE (IRELAND) BILL.

COLONEL MAKINS asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Schedule to the Compensation for Disturbance (Ireland) Bill does not comprise all those districts where the anti-rent agitation has been most vigorous, where outrages against life and property have been most frequent, and where the conviction of the perpetrators of outrages has been found quite unattainable?

MR. A. M. SULLIVAN: Might I also ask, Whether the districts referred to in the Question are not those in which the distress is reported to be most keen and severe?

MR. W. E. FORSTER: I am not aware, Sir, of any districts where the conviction of the perpetrators of outrages has been found quite unattainable. I find that at the last Assizes, both in Mayo and Galway, several convictions for attacks on process servers—I suppose those are the outrages to which the hon. Gentleman alludes—were obtained. It is quite true that the scheduled districts, in which there is exceptional distress, are also the districts in which there have been the most agrarian outrages. I am not sure whether they are the districts in which outrages against life and property are more frequent than those of any other kind; but I have little doubt it is so. I believe they are the districts in which the anti-rent agitation has been the most prevalent.

Lord Frederick Cavendish

COMMISSIONERS OF NATIONAL EDUCATION (IRELAND)—ATTENDANCE OF TEACHERS IN NATIONAL SCHOOLS.

MR. BELLINGHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been drawn to a Resolution passed by the Clergy of Letterkenny, County Donegal, diocese of Raphoe, and published in the "Freeman's Journal" of June 18th, to the effect that—

"The average attendance required by the Commissioners of National Education by a late rule of theirs for the employment of assistants, workmistresses' and monitors in the national schools is excessive and injurious to education, and that the Irish Members be asked to urge upon the Government the necessity of returning to the late scale;"

and, whether the Government propose to take any steps in the matter?

MR. W. E. FORSTER: The hon. Member asks me whether the Government propose to take steps in a matter which has been brought under notice by a Resolution passed within a day or two, and he gave Notice of it only yesterday, at least I only find it on the Paper to-day. I think he will see that no Government willing to give proper information on an administrative measure could answer such a Question so soon. I will cause inquiries to be made, and will see what reply the Commissioners of National Education in Ireland will have to make.

NAVY—H.M.S. "ATALANTA."

MR. NORWOOD asked the Secretary to the Admiralty, If he is in a position to communicate any information as to the probability of the raft reported to have been seen by the barque "Scotia Queen," on the 22nd April, being connected with H.M.S. "Atalanta"?

MR. SHAW LEFEVRE: The Admiralty received a few days ago fuller information, through the commanding officer of the *Castro*, at Shields, from the master of the *Scotia Queen* as to the raft which it was supposed might have been connected with the *Atalanta*.

"The raft," it is reported, "was seen on the 22nd of April about 150 miles to E.S.E. of Bermuda. As near as it could be noticed it was made of square pitch pine logs, two tiers high floating very deep. There were no rope fastenings, and it was supposed to be bolted. About 400 yards from it two bodies were seen, apparently with white jumpers on, and the master is of opinion they were men-of-war's men."

Considering that the interval of 83 days elapsed between the *Atalanta* leaving Bermuda and this raft being sighted so near the Island, and that the raft was constructed of materials which could not have been on board the *Atalanta*, the Admiralty is of opinion it is impossible it could have been connected with that vessel.

IRISH LAND ACT, 1870.

LORD ELCHO asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he will give to the House the names of the Special Commissioners who are to be appointed to inquire into the operation of the Irish Land Act, 1870, and lay upon the Table the instructions under which they are to act?

MR. W. E. FORSTER: Sir, so far as I have been able to observe, it is not usual to lay on the Table of the House the instructions to a Royal Commission nor the names. It has been already stated that before the Commission will be appointed—before they begin their labours—we shall be glad to enable the House fully to understand what is the nature of the inquiry; and with regard to the names, as soon as we have fixed on them we will state them orally in the House.

COMMERCIAL TREATY WITH FRANCE —THE SUGAR BOUNTIES.

MR. J. STEWART asked the Under Secretary of State for Foreign Affairs, Whether, in the negotiations which were now going on for the renewal of the Commercial Treaty with France, the Government will keep before them the question of Bounties granted on Refined Sugar exported from France, with a view to their termination?

SIR CHARLES W. DILKE: When the negotiations for a new Commercial Treaty with France are set on foot the Sugar Question will be included in the subjects for discussion between the two Governments.

IRISH CHURCH ACT (1869) AMENDMENT BILL—THE MINOR INCUMBENTS.

MR. PLUNKET asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether a deputation on behalf of the Minor Incumbents and Curates of the Irish Church having waited

upon him on Wednesday last, in support of "The Irish Church Act (1869) Amendment Bill," he will state to the House the course which the Government are prepared to take with respect to that measure?

MR. W. E. FORSTER: If the right hon. and learned Gentleman is able to bring his Bill to the second reading, the Government, I need not say, will pay all attention to the arguments in favour of the individuals on whose behalf he moves. With regard, however, to the course which the Government, as at present advised, will adopt, I must say that we are not able to accept the Bill. I am very sorry for the individual suffering of several of the gentlemen referred to—namely, those who were minor incumbents at the time of the passing of the Act. That Act, in the opinion of the Parliament of the day, and of the present Government, provided compensation in all cases in which it was due. The gentlemen in question ask to be compensated for the loss of their hope, or expectation, or chances of promotion; and, notwithstanding individual suffering, the Government cannot assent to the principle on which their claims are based. Their case was brought before both Houses of Parliament at the time of the passing of the Act and was carefully considered. Now that six years have elapsed since the question was mooted, it is clear that the late Government could not have dealt with the matter, or else, no doubt, they would have done so.

PARLIAMENT—BUSINESS OF THE HOUSE.

MR. CHAPLIN asked the Prime Minister, What would be the Business of the House on Thursday and Friday, and when the Compensation for Disturbance (Ireland) Bill would be taken?

MR. GLADSTONE, in reply, said, that on Thursday it was proposed to take the second reading of the Customs and Inland Revenue Bill, the Savings Banks Bill, the Merchant Seamen (Payment of Wages, &c.) Bill, and the Post Office Money Orders Bill. The Compensation for Disturbance (Ireland) Bill would be put down for Friday.

MR. ASHMEAD-BARTLETT asked the right hon. Gentleman whether, in view of the great importance of having

the facts connected with the cruel oppression of the Mahomedans of the Balkan Peninsula fully elicited by a public discussion in this House, the right hon. Gentleman would be so good as to give him facilities for bringing forward his Motion, which regarded the life and security of thousands of suffering human beings?

MR. GLADSTONE: We have no facilities for bringing forward our own Business. I am afraid, therefore, I cannot possibly undertake to give the hon. Gentleman an opportunity of raising his question by setting aside Government Business. We have taken measures for bringing the whole of the facts before us; and when we are in possession of them we shall not hesitate to do our duty in regard to them, or to make known to the House what has taken place.

MR. ASHMEAD-BARTLETT: Will the right hon. Gentleman state what measures have been taken?

MR. GLADSTONE: As I stated on a previous occasion, means of inquiry have been instituted which are likely to lead to thorough and full information.

MERCANTILE MARINE — FRENCH BOUNTY ON SHIPPING.

MR. MAC IVER asked the Under Secretary of State for Foreign Affairs, Whether he was aware that the French Government was about to pass a law providing for the payment of a bounty on every ton of new shipping built in France? He had received a telegram from Glasgow that he proposed to read to the House—

"We have advice from our French correspondent that the French Government are this week to pass a law providing for payment of a bounty of 1*½* f. per ton on every ton of new ships built in France for each thousand miles traversed in voyages to and from France. This is equivalent to a bounty of about £2,000 per voyage on the class of steamers we employ between France and South America, or equal to 10 per cent per annum on the steamer's value. This will practically drive British shipping out of French carrying trade. We understand some of the large French Shipping Companies have arranged to double their fleet the moment this becomes law."

He wished to know whether the hon. Gentleman could confirm the intelligence contained in that telegram?

SIR CHARLES W. DILKE: I do not know that I can add anything to the

Mr. Ashmead-Bartlett

statement I have already made. We have information confirming the intelligence of the hon. Member that the Bill in question is at present before the French Chamber of Deputies. The telegram is identical in its wording to a despatch addressed to several Members of the House and also to the Prime Minister. The telegram says that the French Government is this week to pass a law, &c. That, of course, is a matter for the French Parliament, and I believe that this Bill has been for several months before the Chamber of Deputies; but I cannot inform the hon. Member whether it is likely to become law within the course of the week. However, the matter is one that has been receiving the attention of Her Majesty's Government, and our views will be brought to the knowledge of the French Government during our negotiations.

ARMY (AUXILIARY FORCES)—FOURTH EAST YORK ARTILLERY VOLUNTEERS.

MR. C. WILSON asked the Secretary of State for War, When the inquiry into the conduct of certain of the officers of the 4th East York Artillery Volunteers would be opened; and whether its scope could be so extended as to include the causes, political or otherwise, that led to the resignation of the officers and men?

MR. CHILDERS, in reply, said, he must distinctly refuse to go into any such matter until the question of grave insubordination committed on Wednesday last was properly inquired into. The inquiry would, he believed, be held at Hull on Friday.

SUMMARY JURISDICTION ACT, 1879.

MR. HOPWOOD asked the Secretary of State for the Home Department, Whether his attention has been called to section 5 of "The Summary Jurisdiction Act, 1879" (42 and 43 Vic. c. 49), enacted in place of "The Small Penalties Act, 1865" (28 and 29 Vic. c. 127), and the doubt which is entertained about its construction, viz., whether the maximum imprisonment in each case should be governed by the amount of the penalty which the justices have inflicted, or by the amount of the penalty and the costs combined; and, whether he can help the justices of the peace

with authoritative advice so as to secure correct and uniform practice under the section in question?

SIR WILLIAM HARCOURT, in reply, said, that the section of the Act in question provided that the maximum amount of imprisonment under the Act should be governed by the amount of the pecuniary penalty that might be inflicted in addition to, and not in exclusion of, costs.

COMPENSATION FOR DISTURBANCE
(IRELAND) BILL—POOR LAW UNIONS
(IRELAND).

LORD RANDOLPH CHURCHILL: I beg to give Notice that on Thursday I shall ask the Chief Secretary for Ireland—as he seems now more inclined to answer Questions than he was yesterday—Whether any of the Poor Law Unions set forth in the Schedule of the new Irish Land Bill were not scheduled as distressed Unions by the Local Government Board prior to the 29th of February last; and, if so, whether he will name them, and state whether they are simply scheduled now for the purpose of preventing ejection for the non-payment of rent?

MR. W. E. FORSTER: Sir, I can answer that Question at once. No Union has been scheduled for any such purpose.

LORD RANDOLPH CHURCHILL: Might I ask whether any of the Unions scheduled were not scheduled by the Local Government Board before the 29th of February?

MR. W. E. FORSTER: I thought it advisable to answer at once the first portion of the Question, because there was in it an inference—[“No, no!”]—yes, a most decisive inference—that the Government, not having told the House until quite lately of their introducing a Bill, had been preparing for that Bill. Perhaps the noble Lord will take my word for it that we did not think it necessary to prepare the Bill by scheduling Unions for that purpose. If the Government had done so it would have been a most unfair act, and I think it desirable to remove that unfair inference at once. I cannot, at this moment, say when the different Unions were scheduled. If the noble Lord thinks it worth while to repeat the Question on another day, I will endeavour to answer

it; but I trust he will abstain from making inferences of this decided character.

PRIVILEGE.

MR. BRADLAUGH.—RESOLUTION.

[ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st June],

“That Mr. Bradlaugh, Member for the Borough of Northampton, be admitted to make an Affirmation or Declaration, instead of the Oath required by Law.”—(*Mr. Labouchere.*)

And which Amendment was,

To leave out from the word “That” to the end of the Question, in order to add the words “having regard to the Reports and proceedings of two Select Committees appointed by this House, Mr. Bradlaugh be not permitted to take the Oath or make the Affirmation mentioned in the Statute 29 Vic. c. 19, and the 31 and 32 Vic. c. 72,”—(*Sir Hardinge Giffard,*)

—instead thereof.

Question again proposed, “That the words proposed to be left out stand part of the Question.”

Debate resumed.

MR. NEWDEGATE said, that from almost everyone with whom he was brought into contact—whether a Liberal or a Conservative by political opinion—he had heard the observation—“What a muddle the House of Commons has got into in this matter of Mr. Bradlaugh!” The same feeling had found expression in the Public Press. An article in *The Times* of that day had expressed it very fully; and he would ask the House to consider for a few moments how it had got into that which he must call a disgraceful muddle. It was disgraceful, because the subject involved was really a very grave one; and he must say that he thought the right hon. Gentleman the Leader of the House and Her Majesty's Government were principally accountable for the difficulty in which the House was placed. When Mr. Bradlaugh appeared at the Table of the House he claimed to affirm instead of taking the Parliamentary Oath. Not contented with the precedents into which inquiries had formerly been instituted—as in the case of Mr. Archdale, as in the case of Mr. Pease, as in the case of

Baron Rothschild, and in the case of Mr. Alderman Salomons, who had felt difficulties as to taking the Oaths—Her Majesty's Government moved the appointment of a Select Committee to inquire whether Mr. Bradlaugh should be allowed to affirm instead of taking the Oath of Allegiance, with this unprecedented addition to its power—that it should not only examine and report precedents and any points of law that might bear on the case, but that it should express its opinion thereon to the House. That Committee inquired and reported, and, in doing so, expressed an opinion adverse to Mr. Bradlaugh's claim. What proceeding did Her Majesty's Government then take? Mr. Bradlaugh came to the Table and proposed to take the Oath. Objection was, however, taken to his doing so, on the ground that hitherto no man had claimed to affirm, or had been granted the privilege of affirming instead of taking the Oath, except upon a recognized religious objection. The fact was that Mr. Bradlaugh's own conduct had distinguished his case from that of everyone else. When Mr. Bradlaugh came to the Table and claimed to take the Oath, the hon. Member for Portsmouth (Sir H. Drummond Wolff) most properly objected; and the propriety of his objection was proved by this circumstance—that the Prime Minister immediately moved for the appointment of a second Select Committee—a Committee that was to inquire into precedents and into the state of the law, and again to express its opinion to the House. Here, again, in the case of this second Committee, the right hon. Gentleman had departed from the previous practice of the House. And what was the result? The first Committee—the Committee appointed to inquire whether by law Mr. Bradlaugh was entitled to affirm—reported that he was not one of the persons entitled to affirm; and the second Committee—the Committee appointed to inquire whether he might take the Oath—reported that he was not so entitled. Upon that the hon. and learned Member for Dewsbury (Mr. Serjeant Simon) proposed a Resolution in the Committee which was utterly beyond the Reference, and yet the majority of the Committee were so biased that they adopted it—that the decision of the first Select Committee should somehow or

other be referred to the Courts of Law. But how that reference was to be made did not appear. This, he (Mr. Newdegate) thought, was but a poor return on the part of the hon. and learned Member for Dewsbury—a member of the Jewish persuasion—for the special favour which Parliament had conferred upon his co-religionists, when it altered the law in 1858, and allowed the admission of Jews to seats in that House. That was a very poor return on the part of a Jewish Member of the House, who had been sworn upon the Old Testament, that treasure of which his race were the appointed keepers, and whom he would remind of the words with which the Psalm xiv. in that sacred Book began—"The fool hath said in his heart there is no God." He repeated, that a Jewish Member's favouring the admission of such a person to the House was but a poor return for the favour which Parliament had conferred upon his people. This he (Mr. Newdegate) knew—that if Mr. Alderman Salomons had been now alive, instead of taking the part in this matter which had been borne by the hon. and learned Member for Dewsbury, he would have supported the decisions of the two Committees, and voted emphatically for the exclusion of Mr. Bradlaugh from a seat in the House. After having for years, under the late Lord Derby, opposed the admission of the Jews to Parliament, on the ground that to admit them would invalidate the Christian character of the House; after all his opposition to that measure he (Mr. Newdegate) became acquainted with Mr. Alderman Salomons, and told him that the chief ground of the late Lord Derby's and of his opposition was that they feared the admission of unbelievers; and Mr. Alderman Salomons replied that he should be as much opposed to their admission as any Christian Member of the House could be. The House was now asked to pass the Resolution which had been proposed by the sitting Member for Northampton (Mr. Labouchere) for admitting an avowed Atheist; and it was understood that Her Majesty's Government were prepared to support it. What, then, was he to understand? The Government had used their majority to empower two Committees to report their opinion—a function which had never before been committed to any Se-

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Committee of the House on such a point. They expected, he supposed, those two Committees—or, at all events, one of them—would have ruled in favour of Mr. Bradlaugh's admission. But both Committees reported against Mr. Bradlaugh's claim. What was the Government to do? They proposed to set aside the opinion of those Committees, which they themselves had appointed. It appeared to him, however, that if the House had, as they thought, got into a disgraceful position, they had to thank Her Majesty's Ministers for their unfortunate conduct. They had granted unprecedented powers to those Committees. Those Committees had reported adversely to the opinion of the Government, who were now about to set aside the reports of both the Committees, which they themselves had appointed. It appeared to him that the Government were seeking to evade open and direct action. The right hon. Member for Birmingham, the Chancellor of the Exchequer (Mr. John Bright), said during yesterday's debate that the Nonconformists were in favour of the admission of Mr. Bradlaugh. He (Mr. Newdegate) represented in some sense the same constituency as the right hon. Gentleman, North Warwickshire included Birmingham; and he had already received three intimations that the right hon. Gentleman had misrepresented the views of the Nonconformists. Many of them, at all events, had declared themselves adverse to the admission of Mr. Bradlaugh; a Petition from the Wesleyans was lying on the table deprecating his admission. It appeared to him, then, that the speech of the right hon. Gentleman was another attempt to confuse the House. The right hon. Gentleman had referred to the case of the Quakers, the sect to which he himself belonged, and seemed to draw a parallel between that which was done by the House in their case and what was happening now in the case of Mr. Bradlaugh. He spoke as if they were parallel cases, and quoted the words of Mr. Wynn, whom he (Mr. Newdegate) well remembered in the House, and of the Attorney General of 1833, when a declaration was framed and taken by Mr. Pease instead of the Quakers. But there was no parallel be-

tween the cases. He (Mr. Newdegate) held the Report of the Committee of 1833, which was appointed to inquire into the case of Mr. Pease, in his hand, and it showed that from the time of Charles II. the Quakers had been recognized as a Christian sect. They came under the Act of Toleration—the first of William and Mary—and had subscribed the profession of faith in these terms—

"I do profess faith in God the Father, and in Jesus Christ, his eternal Son, and in the Holy Spirit, one God blessed for evermore, and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine inspiration."

Then the 7 & 8 Will. III. c. 4, which further met their case as Christians, when they applied to be admitted to certain Offices. Parliament, therefore, in their case, had before it these Statutes, which admitted the Quakers to offices, and all they had to do was to frame a declaration which would admit them to the House. They did not go to statutes with respect to the Law of Evidence for precedents. They did not do what Mr. Bradlaugh's friends were doing; they did not travel out of the real issue to establish a precedent, or appeal to statutes passed for a different and in no way analogous purpose, like the Acts relating merely to evidence, as Mr. Bradlaugh had done; but acted upon statutes made to admit Quakers to certain municipal offices, and adapted the declaration they made on accepting municipal offices so as to comprehend the substance of the three Oaths which at that time existed as the condition of entering Parliament; afterwards what was then done was confirmed by statute. There was no analogy, then, between the case of the Quakers and the case of Mr. Bradlaugh—none whatever—any one who examined the documents produced by the Committee of 1833 must come to that conclusion. He (Mr. Newdegate) feared that the right hon. Gentleman the Member for Birmingham was trying to mislead the House. He had made an appeal to its sympathy and its Christian charity. One would have thought that what he asked the House to grant was some boon to an individual. He never spoke of the Oath which was taken in this House as having been enacted for great national purposes, as a matter of public policy, not intended to apply merely to any indivi-

dual, but to the Representatives of the people. He never spoke of the Oath in that sense; but he seemed to ask the House to do this individual, Bradlaugh, a personal favour. It was one of the characteristics of ultra-democracy that the interests of the State were by it postponed to the interests of the individual. A short time ago he was reading a very able work upon the causes of the Civil War in the United States of America, and in that work the author points out that the predominance of individualism, which pervaded the laws of the United States—particularly of the Northern States—was one of the principal causes of that terrible conflict. That was the principle which the right hon. Gentleman was advocating now. He was asking the House to consider the case of this individual, Bradlaugh, as against the maintenance of those great Constitutional rules and laws by which this country had hitherto been governed, rendered free, great, wealthy, and fit to bear the sceptre of an Empire on which the sun never set. What said the author to whom he had referred with regard to this principle of individualism? He (Mr. Newdegate) was quoting from the *History of the American Civil War*, by John William Draper, and in Vol. I., page 21, he said—

“A self-conscious democracy, animated by ideas of individualism, was the climate issue in the North; an aristocracy, produced by sentiments of personal independence, and based upon human slavery, was the climate issue in the South.”

The author further said—

“Unquestionably, the absolute freedom of action conceded to the individual is not without grave disadvantages. It may be doubted whether a community organized on such a basis, more particularly in case this freedom is granted to women, can ever have the stability, or even be as moral, as one in which the family is the essential political element. But that such a community will have a prodigious expansive power is undeniable.”

Now the principle of English constitution had ever been to recognize the family. It was not this ultra-democratic principle of individualism that had formed the foundation of the State in England. But that was the principle which the right hon. Gentleman advocated—the right hon. Gentleman invited the House of Commons of England to prefer the pretensions of an individual to the interests and the safety of the

nation. He would now glance for a moment at the Resolution which had been moved by the sitting Member for Northampton, and which the hon. Member had recommended on the strange ground that the House should become a party to an infraction of the law, in order that someone out of the House might prosecute Mr. Bradlaugh for penalties, and so to test the law, as was done in the case of Alderman Salomons, before the Exchequer Court in 1851. But there was a distinct difference between the position of Mr. Alderman Salomons and that of Mr. Bradlaugh. In the case of Alderman Salomons the House told him plainly—as it ought to tell Mr. Bradlaugh—“You cannot take the Oaths; in our opinion the law debars you from taking them.” Alderman Salomons thereupon retired from the Table to below the Bar. He consulted with his legal adviser, who recommended him to return to and vote in the House. Mr. Alderman Salomons did so; he sat and was held to have voted, while the House deliberated. What did the organ of the House, the Speaker, ultimately do? By the direction of the House he ordered the Sergeant-at-Arms to take Mr. Salomons into custody, and to conduct him out of the House. Why did he (Mr. Newdegate) mention these facts? For this reason—that when the Courts were applied to in that case they were asked to support the decision of the House; but if the Resolution proposed by the hon. Member for Northampton were carried, and Mr. Bradlaugh came and took his seat in the House and voted, if any application were made to the Court of Exchequer, that application would be made not in support of the decision of the House, but to contravene the decision of the House; and as Parliament was considered the highest Court existing in this country, the inferior Court would be asked to contravene the decision of the superior. Would not that be a manifest anomaly? The Courts had over and over again, in matters of Privilege, declined to act in contravention of the decisions of this House, even when those decisions were contrary to their own view of the law; because they held that the Privilege of Parliament was above the law, and that there was no Court authorized to interpret the Privileges of the House of Commons except the House itself. If

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Her Majesty's Ministers imagined that the House was in danger of exceeding their powers—if Her Majesty's Government were in earnest and desired the opinion of the Courts of Law—they ought to oppose the Resolution of the hon. Member for Northampton, and devise some other means of submitting the case to the Courts. He knew not how that could be done; but he had been told that by some method this was possible. What right had the House to expect any individual to incur the risk and expense of instituting proceedings at law in this matter if it threw every impediment in the way of his success? Talk of reference to the Courts! He held that it was beneath the dignity of the House to encourage any man to violate the law, in order that someone outside might prosecute him to test the law. He had never, throughout the course of his Parliamentary experience, become acquainted with such a case. He had another objection to this appeal to a Court of Law. The question before the House involved matters over which no Court of Law could have jurisdiction. There was no limit to the debates and proceedings of the House, or as to the subjects with which it could deal, save those which were excluded by the Oaths which its Members took. They had all sworn allegiance to Her Majesty. They had all sworn that they would not dispute the succession to the Throne. They had no regular penalties decreed for offences that might be committed by Members of the House within it. They had nothing like a law against blasphemy; but the position of Parliament was this—and it is this—that distinguished a Parliament from a Convention, that each Member undertook by Oath to maintain the Monarchy and the succession to the Throne—before he could exercise any function, each Member had to take that Oath. Therefore, each of them was precluded by his own act at the very outset from doing anything, or devising or consulting about anything, with a view to the subversion of the Throne, or affecting a change in the succession. That was the manner in which they had secured their Sovereign upon the Throne of these Realms. But in the present case Mr. Bradlaugh had informed them, by a letter, to which his signature was attached, and which was appended to the Report of the second Committee, that the words of the Oath—

that the whole tenour of the Oath which appealed to the Deity—was to him meaningless. There stood his own words appended to the Report of the second Committee. He alleged that he had tried to evade the Oath because, he thought it would be disrespectful in him to pronounce words which to him were meaningless. Towards the close of Mr. Bradlaugh's letter there were words which, had, he believed, not yet been noticed in the House. These were—

“I shall, taking the Oath, regard myself as bound, not by the letter of its words, but by the spirit, which the Affirmation would have conveyed, had I been permitted to use it.”

Now, let the House observe what followed—

“So soon as I am able, I shall take such steps, as may be consistent with Parliamentary business, to put an end to the present doubtful and unfortunate state of the law and practice on Oaths and Affirmations.”

So that Mr. Bradlaugh, if he were admitted, as he demanded—that was, as an unbeliever, an avowed Atheist—had announced that his first action in the House would be in direct opposition to the Oath, and, therefore, in the sense of Atheism. Who could pretend to feel surprise if, after such a plain announcement as this, Mr. Bradlaugh made some irreverent proposal, or should use Atheistic language in the House? If he were to make any attempt to impugn the Sovereignty of Her Majesty, that would be contrary to the Oaths of Members, and the Speaker would interfere to prevent it. But Mr. Bradlaugh was determined that the House should admit him upon his own terms—as an avowed Atheist—and with the assurance on his part that his first action in the House would be, if allowed, to palter with the Oath. If after he had thus entered the House, he assailed the Oath all others had taken with reference to the Deity, in the grossest terms, neither the Speaker nor the House could interpose to stop the outrage. Could the House be surprised, then, that there was objection on the part of the great majority of the people of this country—the Christian people of this country—to having their Representative Assembly perverted to such uses as that? This was by no means a light or trivial matter. An engineer, who had charge of some great embankment, which restrained some mighty stream, if he saw but a ripple through its base, at once took

warning, and adopted precautionary measures, lest ere long he might see his dykes swept away, and such destruction as was recently experienced in Austria. Let the House, then, not despise this attempt on the part of the individual, Bradlaugh. It would be manifestly inconsistent if this House should fail in the tribute they now paid to the Deity—the Lord of Lords, the King of Kings—and continued to pay great deference to the Throne of an earthly, however estimable Monarch. This Atheism was no passive principle. That might be illustrated by the modern history of France. Within his (Mr. Newdegate's) own experience he had witnessed the Revolution of 1848, which swept away the Throne of Louis Philippe. In that Revolution, Atheistic Socialism bore a leading part. Louis Napoleon, afterwards Napoleon III., then became President of the French Republic, and afterwards, in 1851, carried out the *coup d'état*. During that time Lord Palmerston was Foreign Minister; remonstrances were made against the military executions carried on by Changarnier, under the orders of Louis Napoleon as President. Lord Palmerston declared that the action of Louis Napoleon in authorizing the execution of thousands of Atheistic Communists was necessary to preserve society in France from the outrages of Atheistic Socialism. For this Lord Palmerston was driven from Office by the Liberals. No one was so furious against these executions as M. Thiers; and as he could not restrain his wrath he was first imprisoned, and then sent out of France. Nineteen years of the Empire passed by, and then, through a rash and ill-advised foreign policy on the part of Napoleon III., the German War began, and the second Empire fell. Again, Anarchy—Atheistic Socialism—became rampant in Paris after the Germans had quitted it; the friends of order rallied round M. Thiers, as President of the Republic. From Versailles he tried to negotiate with the Socialist Revolutionists, but totally failed; and then he had to resort to measures of severity precisely similar in their character to those for which he had condemned his predecessor, Louis Bonaparte, as an enemy of his country. Louis Bonaparte, when President of the Republic, had repressed social anarchy by martial law; and M. Thiers, when he assumed that office, found himself com-

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pelled to do the same thing. Let no one try to persuade or attempt to tell him (Mr. Newdegate) that Atheism was a passive principle. The House might depend upon it that the First Napoleon was right when, after having been made First Consul, he came face to face with Atheism. What did he do? He found it essential to the work of restoring society, which in his time had been wrecked by Atheistic Socialism, to re-establish the Church of Rome in France. With this object he entered into a Concordat with the Pope, in which, however, he made provision for restraining the ambition of that Church. It was in defiance of many of his generals, and of many others who surrounded him, that he held the opinion that if society was to be re-established in France, a necessary condition, and preliminary thereto, was the re-establishment of religion. With the permission of the House he would read from Alison's history the words of the First Napoleon, and he was no little man. He said—

“The first Consul will appoint 50 Bishops. The Pope will induct them. They will appoint the parish priests; the people will defray their salaries. They must all take the Oath. The refractory must be transported. The Pope will, in return, confirm the sale of national domains. He will consecrate the Revolution. The people will sing ‘God save the Gallican Church!’ They will say, ‘I am a Papist. I am no such thing. I was a Mahommedan in Egypt.’” —[“Oh, oh!”]

MR. SPEAKER: I do not perceive the connection of what the hon. Member is saying with the subject before the House.

MR. NEWDEGATE said, the last few lines of the quotation he was making would show the connection. The conclusion of his quotation would be found to maintain the connection of his argument. Napoleon said—

“I will become a Catholic here for the good of my people. I am no believer in particular creeds: but, as to the idea of a God, look to the heavens, and say who made them!”

Such was the answer to Atheism, made by the First Napoleon. Such was the maxim on which he acted in re-founding government in France. It could not be said that the Emperor was the victim of any narrow religious dogma. And this he (Mr. Newdegate) would say to the House of Commons—it would be unbecoming on the part of the House to do so grave an act as that of admitting an avowed Atheist to sit in that House on

terms of equality with its other Members; to allow the people of England to entertain any reasonable doubt with regard to the belief of their Representative Assembly in a Deity. If Her Majesty's Government had doubts concerning the law of the question, why had they not brought in a Bill to solve those doubts? They had appointed two Committees on the subject, both of whom had reported that the law was against the admission of Mr. Bradlaugh. They had usually a majority in their favour; why, then, did they not bring in a Bill? In the case of the Quakers that was done. It was also done in the case of the Roman Catholics, and, lastly, in the case of the Jews. And if, now, they introduced a man to take his seat amongst them, who told them that he professed Atheistic opinions, and that he would use his utmost power to change the Oath—aye, against the retention of any Oath they had all taken—if this were permitted, it would effect a great change in the Constitution of this country; it would lamentably alter the character of the House. Her Majesty's Ministers ought at least to have the decency to consult the other branch of the Legislature. He deprecated any proceeding whatever in the sense of the Motion before the House; but at least Her Majesty's Ministers ought to proceed by Bill, if they wished to pass so grave a measure—they ought not to be allowed to effect such purpose in any disguised manner.

MR. GLADSTONE: The hon. Member for North Warwickshire has concluded his comprehensive speech by an appeal to the Government to legislate in this matter. That is a course which he thinks is quite clear we ought to take; but I find myself in the predicament of being of opinion that it is exactly the course which we ought not to take. If we considered that the provisions of the present law were insufficient to cope with the case which has arisen and to dispose of it, then, indeed, the case would be a very strong one for urging on the Government the duty of proposing legislation. But we entertain no such opinion. Some of us may believe that the House has no jurisdiction in this matter. Others may believe that it has jurisdiction in this matter; but those who think it has and those who think it has not—and I speak now more particularly for those

who sit on this side, with whose views I am best acquainted—are perfectly agreed in the opinion that the present law is adequate for the purpose of dealing with this case. That being so, it is for those who consider that the difficulty which has arisen cannot be met by the present law to propose fresh legislation. But as regards the hon. Gentleman who has just sat down, when he suggests that we should attempt fresh legislation, I apprehend his only meaning is that we should attempt a fresh controversy; because the doctrine which he has laid down, and which formed the entire basis of his speech, is one to the effect that those who have the misfortune—and the greatest of misfortunes it is—not to believe in the existence of a Supreme Being, ought on no account be permitted to sit in this House. He therefore invites us to raise that controversy at large, while we believe that the law which now exists is perfectly sufficient for dealing with the case of Mr. Bradlaugh, the case which has actually arisen. I cannot conceive anything more unfortunate, or less prudent, as a measure to be taken on the part of Gentlemen who must be supposed to have some care for the peace and order and dignity of this House, than a proposal, in the present state of the minds of men, to introduce an Act of general legislation in connection with the case of Mr. Bradlaugh. So much for the proposal to legislate in connection with his case. Now, I have been appealed to by the hon. and learned Gentleman who moved the Amendment (Sir Hardinge Giffard) to supply him with guidance—that is the phrase which he did me the honour to use—on this subject. The office is one, however, which is very far beyond my aspirations or my duty. I should have thought the hon. and learned Gentleman did not require to look nearly so far as across the House in order to obtain what I should call very good guidance, and much better guidance than I can afford to him. I think the judgment of his late Colleague the hon. and learned Member for Preston (Sir John Holker), so far as I have been able to gather his opinion from his action on the Committee, a judgment well entitled to the hon. and learned Gentleman's attention. I deeply regret the absence of the hon. and learned Member for Preston from this

debate. I should have thought that a Gentleman of his legal eminence, who had not only been Attorney General for a period of six years, but who discharged the duties of that Office with conspicuous ability, would not have declined to give us the benefit of his assistance on this occasion. But to the appeal which the hon. and learned Member for Launceston made to me, and which, within limited bounds, I shall be glad to answer, I will reply by a counter appeal, and ask why—it cannot be on Party grounds, because we have been repeatedly assured by hon. Gentleman opposite that this is not a Party question—I should have to notice, as I do with some surprise, the absence of an hon. and learned Gentleman of so much ability and so much authority as the late Attorney General from the discussions of this House on the case of Mr. Bradlaugh. I wish it to be understood in what position I, at least, think the Government stand towards the House in a matter of this kind. I believe it to be their duty frankly to offer the best advice in their power to the House. When they do that I consider they are *functi officii*. The appearance of Mr. Bradlaugh at this Table is no measure of ours. The dealing with his case is no question of our policy. It is not the result of our counsels. We are not bound by anything which he can do, or anything which he may decline to do, more than hon. Gentlemen opposite. It is our duty to come to the consideration of his case, as we think, with rigid and absolute impartiality. It is, in our opinion, our duty to banish from our minds a large portion—aye, the much larger portion—of the topics which present themselves to the minds of hon. Gentlemen opposite, and which will evidently, for the most part, govern their judgments—topics which govern the judgment of my hon. Friend who has just sat down, that of the hon. Member for the City of London here present (Mr. R. N. Fowler), and of the right hon. Gentleman the Member for the City who addressed us last night (Mr. J. G. Hubbard)—namely, that which is sometimes called religious instinct, and sometimes religious principle, by others a great question of Constitutional policy—whether it is right that an Atheist should be allowed to sit in this House or not. Now, I affirm that that is not the question before us. [*Cries of "Hear, hear!"*]

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and "Oh, oh!"] Those audible though not articulate expressions of opinion only serve strongly to corroborate the assertion which I have made, that topics of a certain class, connected no doubt with a great principle of Constitutional legislation, but totally disconnected from the administration, application, and interpretation of the law, embrace doctrines which govern the minds, judgment, and actions of many hon. Gentlemen opposite in a case in which there is no question before them, except the just interpretation and application of the existing law. But be that as it may, I think it the duty of the Government, in circumstances for which they are not responsible, to give the best advice in their power, and then to leave the matter in the hands of the House. I do not know that I should have thought it necessary, after the general description I ventured to give on a former occasion, to address the House to-night were it not that I have the feeling that if the House should accede to the Amendment moved by the other side, it will probably be entering into a long, embarrassing, and difficult controversy, not so much, perhaps, within the walls of this House as beyond its walls, and that I feel I should not like to see the House involved in great difficulties, and, perhaps, running the risk of ultimate defeat, without being able to give myself the poor consolation, at any rate, of reflecting that I had endeavoured to counsel a different course which would have saved it from any such calamity. Now, I shall endeavour, in what I have to say, to avoid entirely whatever can stir feeling. If anything is to be done on this subject towards rightly directing the minds of men I am confident it must be by and within the limits of the powerful appeal made last night by my right hon. Friend the Chancellor of the Duchy of Lancaster. My endeavour will be one quite distinct from his. It will be to argue this question drily, and not to say a word if I can avoid it that can needlessly debar the access which may be open, though I can hardly conceive it to be open, to the minds of hon. Gentlemen opposite, by mixing up the consideration of the case with matters which touch feeling that might lead to political excitement. I am painfully impressed with the belief that debates of this kind, as they are disagreeable to the House, so are not con-

to the maintenance of its character and unity. But, at the same time, our duty is in our having such decisions. If we have them it is hardly more than that in any Assembly of this kind they should be conducted with more or less warmth. Where questions so solemn, so profound, and of such vital importance, as the whole of this issue, to the welfare of mankind, are at issue, it is almost impossible to maintain a calm and clear and bold view of the question. On the one hand, it is thought to be maintained, of decisions that turn upon the action of the House only and which, nevertheless, are vital to anything like a judicial consideration of the question. On the one hand, the hon. Gentlemen urged on by their consciences believe to be a duty for religion. On the other side, the hon. Gentlemen are urged—as my hon. Friend was last night—towards what they believe to be a duty of more importance to that religion itself—nay, to be vital to religion itself, namely, the cause of religious freedom.

When considerations of this kind are in view, I am afraid, amidst the weaknesses of human nature, it is hardly possible to resist the occasional intrusion of irritating topics; and I hope I shall not incur offence by saying that, so far as observation has gone in these discussions since the time when I resumed my seat in the House after the Election, there has not on this side of the House that intrusion of these irritating topics begun. ["No!"] That is a fact of history. I cannot forget that the first attempt made to raise these matters were introduced into discussion with respect to political questions which had no place whatever in the argument. Of course, I entirely agree with the hon. Member who introduced the subject of any intention to lead the judgment of the House; but, in my opinion, he had to some extent led astray himself. He had not resisted that fatal temptation which befalls all on an occasion of this kind, to mix with the true issue matter irrelevant to it which on account of its deep and profound interest forces itself upon attention. Although I most deeply regret what I have heard, I will tell the hon. Gentlemen opposite fairly that I appreciate to a certain extent, and I respect cordially, the feeling which has been prompted

by their conduct. Let us see what are the questions before us. The hon. Member for Northampton proposes to pass these questions by a Resolution for the terms of which I am not in any degree responsible, but which has the effect of a refusal, on the part of the House, to meddle with this matter at all. I understand it as asserting an authoritative grant to Mr. Bradlaugh by the House of some privilege which it is the duty of the House to dispense—as an assertion that the House will not interpose to prevent Mr. Bradlaugh from taking, in the first instance, what he may deem to be his statutory duty, in the form of a process of Affirmation. Well, now, the considerations which weigh on my mind with regard to this subject are these: First of all, if the House has a jurisdiction in this matter to make any examination of the case further than providing that an exterior and formal duty has been performed, it is a jurisdiction which the House has never exercised, and a jurisdiction which it would be most impolitic on the part of the House now to begin exercising. Secondly, speaking for myself, I confess I go further. The more I have looked at this case the graver appear to me to be the arguments which go to prove that in the sense of the law and the Constitution, as it has been asserted by the hon. and learned Gentleman the Member for Preston (Sir John Holker), the House has no jurisdiction at all. I agree with the sentiment delivered last night, and fortunately in a thin House, by the hon. Member for Bedford (Mr. Whitbread) and as I agree with his other opinion, so I agree with this, that while he does not for a moment contest the power of the House to proceed within its walls to whatever conclusions and action it may please, he contested the Constitution, title and right of the House to do that which was described by my right hon. Friend the Member for Cambridge University (Mr. Spencer Walpole) last night, when he spoke of our statutory obligation to see that Members were rightly seated. The view of that right hon. Gentleman was, not merely that we were here as witnesses to perceive and attest and secure the fulfilment of something written down in Act of Parliament; but it is to see that the Oath which is taken is rightly taken, or that the Affirmation which is substituted for it is an Affirmation rightly affirmed.

These are wide words indeed, because right swearing and right Affirmation includes the relations of the person swearing or Affirming to the Oath he takes or the Affirmation he makes. This is a matter which, I think, is beyond our cognizance, and is no part of the statutory obligation imposed upon us or the statutory power intrusted to us. If we possessed this jurisdiction, I conceive it would be most unfortunate that we should undertake to exercise it. Surely, Sir, we are exceedingly unfitted in these deep matters of belief to do so. Are we not conscious, every man for himself, of the tendency within us to be heated in our views and judgments on such points? I have promised to guard myself, as well as I can, against the intrusion of feeling; but I am conscious it requires the keeping of a continual curb upon those propensities, upon those susceptibilities of mind which are almost resistless, and which tend to introduce themselves into these discussions. A popular Assembly rightly accustomed in its ordinary debates to appeal to feeling, accustomed to use feeling as the minister of reason with perfect justification—aye, and with absolute necessity—in the discharge of our functions, I hold that we have anything but a high qualification for dealing with a matter which ought to be viewed in the driest light of reason, and in no other light whatever. If we undertake to interfere for the first time with a Gentleman who proposes to fulfil at the Table of this House what he thinks is his statutory duty, we may find ourselves engaged in two conflicts, into neither of which do I feel either bound or disposed to enter, not being led thereto by obligation nor by precedent. I am not willing to enter into conflict with the Courts of Law, nor am I willing to enter into conflict with the constituency of Northampton. Of the first of these possible conflicts the hon. and learned Member for Launceston (Sir Hardinge Giffard) appeared to make very light. I can well understand that an action cannot be brought against the House of Commons. I am not, however, so clear that no action can be brought against the servants of the House of Commons, whom it employs, and whom it orders to exercise its will. We have precedents for such actions; and it appears to me that if such actions arise their result would depend not

so much upon the power of the House as upon the ultimate judgment which the public outside this House may form upon the wisdom and prudence of its conduct. Still less am I willing to be led into a conflict with the constituency of Northampton. This House for a long series of generations has been commonly successful whenever it has found it needful to enter into controversy with the Crown or the House of Lords; but there is a most marked contrast between the issue of these controversies and the lamentable issue of its one great conflict with the people of this country as represented by one of the constituencies of the country—a constituency numerically smaller than Northampton. It is impossible to doubt that when the subject of Wilkes's writings in *The North Briton* first came before Parliament about the year 1763, a great deal happened which is happening now. The general conception of Mr. Wilkes was, that he was a man open to great exception with respect to personal character, and it is not unnatural to believe that the reaction of feeling excited by that idea concerning Mr. Wilkes tended much to govern the first judgment of the House of Commons in that unhappy contest. The House embarked itself in that controversy. You are still uncommitted. You declined to embark in that controversy when the first proposal was made by proposing to appoint a Committee. You are now asked to embark yourselves in that controversy. Consider a little with what confidence your predecessors a century ago entered into a controversy not dissimilar to the present. Consider what was the final issue of that controversy. You carried everything for years before you with a high hand. You set Wilkes at defiance; you set the constituency for which he sat at defiance. You actually seated in this House the man who had received a minority of the votes of the constituency, because you said that he was the qualified candidate and must sit in preference to one who was disabled. But what was the issue? By degrees you found that that was a conflict in which you could win little and might lose much. The energies that impelled you grew more and more slack. Then the House of Commons ceased to act against Mr. Wilkes after resisting him three times. He took his seat unquestioned in this House in the year 1774.

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how your action will be interpreted out-of-doors." These words raised great suspicion in my mind. I am not willing in a matter of personal, civil, and religious right to be arrested in my consideration of the case, or to be guided in that consideration, by being told to look and see how my action will be interpreted out-of-doors. Our business is to look straight at our duty in the case, and then to trust to the generosity and the justice of our countrymen as to the way in which they will regard our action. I am not, therefore, willing to exercise jurisdiction of this kind with a serious hazard of being brought into positions that I cannot beforehand define, and with respect to which the light of former history, as far as it is available at all, tends to show that the end of all our resistance may be disastrous and ignominious failure. With regard to the precedents in this case, it is admitted that there is no precedent for interfering with a gentleman who comes here and claims to perform a statutory duty in terms of the Statute. I do not think that hon. Gentlemen have perhaps quite realized the historical importance of that fact; because, pray remember that the Jacobites took their places in this House, and that Mr. Shippen and Sir Robert Walpole exchanged their jests on the subject across the Table, at a time when the Oath bound the man swearing to most solemn duty to the House of Hanover. But the Jacobitism of Mr. Shippen and others was as notorious as the Hanoverianism of Walpole and his friends. And yet the House of Commons, even in those days, would not come between a man and the Oath, but permitted the man to swear, though they knew, and knew beyond all doubt, he was a Jacobite. In the same manner Bolingbroke, without any religious belief at all, lived and died in great distinction, and his Parliamentary career was certainly not put an end to by the action of this House. He was followed by many more, and that at a time when this House was not only Theistic, Christian, and Protestant, but intimately bound with the Church of England. Such, however, was the aversion of the House to this interference, and such the tenacity with which they adhered to the words famous since the days of Elizabeth, "Not we to examine," that even in these remarkable times they would

not institute the smallest investigation, or stand between a citizen and the full enjoyment of his right. It may be said that there are precedents for the interference of this House in respect to the Oath, and no doubt there are; but they are precedents in precisely the opposite direction from that which is now contemplated. Every one of them is a precedent in favour of the person who is desirous to swear, and not against him. The House has assisted in overcoming obstacles as far as it could in favour of those who tendered themselves to swear or affirm at this Table. Never has the House gone against them. But there is another observation to be made with regard to these precedents. Not only have they been in favour of the person tendering, but they have been entirely and exclusively referable to his exterior action. Nothing about an investigation of a man's belief or the citation of his belief by the House has ever entered into the question. When my right hon. Friend (Mr. Spencer Walpole) says that we are under a statutory obligation to see that Members be rightly seated, I must challenge my right hon. Friend to produce the evidence of any such statutory obligation as would require us to investigate a man's belief. Our statutory obligations are limited by the letter of the statutes, and now let us see what that letter is. It appears to me that the prudential and legal reasons and arguments of the Attorney General and others who have spoken on this side are ample to govern the House in its decision of this question. I must go a little farther—as far as my hon. Friend the Member for Bedford (Mr. Whitbread)—and ask the House to consider what is the nature of the jurisdiction which the House considers to belong to it. I hold that it was well defined by my hon. and learned Friend the Member for Dewsbury (Mr. Serjeant Simon) last night, when he said the House were to be witnesses to a certain performance in its exterior jurisdiction—that was, the exterior performance of a certain civil duty of which the law has made us stewards. I do not question for a moment that we have that jurisdiction—to see exteriorly that a certain duty is well and rightly performed. That seems to be involved in the nature of the case; but there are many considerations which tend to show that this House has not the

racter of the constitution. That era was closed by Jewish emancipation, if, indeed, it can even now be said to be absolutely closed, because I am under the impression that even at this moment another branch of the Legislature reserves for decision within its own discretion the question whether this or that particular Jew shall be allowed to take his seat upon the Benches. Here, however, we meet Jews, included on a footing of perfect equality; and now, Sir, as was justly and truly said by my right hon. Friend last night, we are invited to make what I suppose is a final rally for the Theistic constitution of the House. We have been driven from the Church ground; we have been driven from the Protestant ground; we have been driven from the Christian ground; and the final rally is made upon this narrow ledge of the Theistic ground. ["Oh, oh!"] Well, whether it is a narrow ledge or not, you have given up your Church, your Protestantism, your Christianity. You are outside of them altogether, and you are standing on what ground remains to you outside of them. What is that ground? How was it described by the Mover of the Amendment? The Mover of the Amendment said he would have been most happy if Mr. Bradlaugh had come to this Table and had taken the Oath or Affirmation without making any declaration upon this subject. But who is Mr. Bradlaugh? Did the hon. and learned Member obtain his first information about Mr. Bradlaugh's opinions when Mr. Bradlaugh made his claim to make the Affirmation? Was there any fact in England more notorious than the fact of Mr. Bradlaugh's opinions? Therefore, see whether your ground is narrow or not. You are not now taking your stand for Theism in a definite and dogmatic form. You are declaring your willingness that an Atheist should sit here, provided he had not told you what he was in the course of some of the proceedings of the House. Surely, Sir, it is a very narrow ground. The form of actual Atheism is, so far as I know, a rare form of unbelief in this country. The forms which abound are known rather by the names of Positivism, Agnosticism, Materialism, and Pantheism. You are not taking objection to any of these forms. I do not understand you to say that if any gentleman published in every newspaper in London, on the

morning that he was going to take the Oath, a declaration that he was a Pantheist, an Agnostic, or anything else, there would be any reason why he should not take his seat in this House. That makes good what I say—that the religious ground on which we stand is a narrow and slippery ground. For my own part, I see no profit or advantage either to charity or to reason, or to common sense, in making distinctions of this kind. In accordance with your principles, if I understand them, you would allow a Mahomedan to sit in this House without question; you would probably allow a Parsee to sit in this House; but you could not, with any consistency, allow a Buddhist to do so. Well, I am not willing to engage in a controversy whether, with a Mahomedan and a Parsee on my left—[*Dissent*!—] and a Buddhist on my right—I am afraid I have not successfully sounded the depths of the minds of some hon. Gentlemen opposite, for I gather from that cry that those Gentlemen are also prepared to introduce another new form of religious controversy, and that objection is to be taken on religious grounds to Mahomedans and Parsees. Well, there is a theory that it does not matter what God you worship provided you worship some God or other. In my opinion there is greater danger of irreverence and impiety in this kind of loose, rambling debate, clutching at some remnant of what we on this side of the House think to be intolerance, than there is in any frank acknowledgment of the absolute separation that has been drawn in the spirit of the law of this land, and, I believe, in the letter of the law of this land, between civil duty and religious belief. I fully accept that principle with entire fearlessness, which I, for one, am conscious of, as to the civil as well as religious consequences. It seems to me that, seeing the extreme thinness and slipperiness of these distinctions between Atheism which is notorious and Atheism which is avowed at a particular place, we are asked to tread upon very dangerous ground; and I mistrust altogether the issue of the contest into which we are plunged under the influence of the feelings which suggested those distinctions. I must make one remark upon what fell from an hon. Member who spoke from the Opposition Benches last night, and who said—"Look and see

how your action will be interpreted out-of-doors." These words raised great suspicion in my mind. I am not willing in a matter of personal, civil, and religious right to be arrested in my consideration of the case, or to be guided in that consideration, by being told to look and see how my action will be interpreted out-of-doors. Our business is to look straight at our duty in the case, and then to trust to the generosity and the justice of our countrymen as to the way in which they will regard our action. I am not, therefore, willing to exercise jurisdiction of this kind with a serious hazard of being brought into positions that I cannot beforehand define, and with respect to which the light of former history, as far as it is available at all, tends to show that the end of all our resistance may be disastrous and ignominious failure. With regard to the precedents in this case, it is admitted that there is no precedent for interfering with a gentleman who comes here and claims to perform a statutory duty in terms of the Statute. I do not think that hon. Gentlemen have perhaps quite realized the historical importance of that fact; because, pray remember that the Jacobites took their places in this House, and that Mr. Shippen and Sir Robert Walpole exchanged their jests on the subject across the Table, at a time when the Oath bound the man swearing to most solemn duty to the House of Hanover. But the Jacobitism of Mr. Shippen and others was as notorious as the Hanoverianism of Walpole and his friends. And yet the House of Commons, even in those days, would not come between a man and the Oath, but permitted the man to swear, though they knew, and knew beyond all doubt, he was a Jacobite. In the same manner Bolingbroke, without any religious belief at all, lived and died in great distinction, and his Parliamentary career was certainly not put an end to by the action of this House. He was followed by many more, and that at a time when this House was not only Theistic, Christian, and Protestant, but intimately bound with the Church of England. Such, however, was the aversion of the House to this interference, and such the tenacity with which they adhered to the words famous since the days of Elizabeth, "Not we to examine," that even in these remarkable times they would

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breadth of jurisdiction that is so largely claimed for it. Why is it that a Parliamentary Oath is imposed by statute? Why, when the Oath began, in the reign of Elizabeth, was it not administered by the authority of the House? Because the House had no authority. Why is it that you do not administer Oaths in your Committees? Because you have no authority to administer oaths. What is the traditional distinction between a Committee of the House of Lords and a Committee of the House of Commons? Because the presumption is that we can have no power whatever except what the statute gives us. Why, again, when Oaths were first imposed, were they taken before the Lord Steward? Why for 130 years did this House never hear of the Oath? and yet that Oath was yet precisely the same in its purpose and effect as it is now? Why, again, when this House began to witness the Oath, was the function of the Lord Steward continued? Because, as I understand, from the time of the Revolution, from the first year of the reign of William and Mary to the first of William IV., the obligation was cumulative, and Members took the Oath not only in this House, but also before the Lord Steward. Well, the enacting of the Oath by statute, the administration of the Oath before the Lord Steward, and the joint administration of that Oath before the Lord Steward and the House, are arguments to show that the House has here only a Ministerial duty to perform, and that duty is defined by the precise language of the statute, and by the inferences to be justly drawn from that language. What is the language of the statute? It does not state that the House of Commons or the House of Lords shall each of them be invested with power to require of their Members that they should take certain oaths. It does not constitute the House of Commons the Minister of the Legislature, with authority to act for and on behalf of the Legislature, and with a delegated power making the House masters of the whole circumstances of the case. The statute has not intrusted the power to the House of Commons. It is a duty imposed upon a citizen; and the spirit of the statute is there in obvious conformity, as it seems to me, with the reason of the case. What can be more reasonable than that the jurisdiction of the House of Commons over its Members should really

begin at the time when they have practically become its Members? A man elected by a constituency is in no other sense a Member of this Assembly than in the sense that he is on the way to become a Member. He is potentially a Member of this Assembly, but not for our purpose; with him we have nothing to do until he has taken the Oath. Consequently, what can be more rational than that the real jurisdiction of the House over this man should begin when he is a Member of this Assembly for the practical purposes for which the Assembly meets? What says the statute—

“Whereas it is expedient that one uniform Oath should be taken; be it therefore enacted that the Oath to be made and subscribed by Members on taking their seats shall be in the terms following.”

And then it is provided that the person who is bound to take the Oath shall take it. There is no legislation investing the House with any power; but there is legislation strictly binding the Member to fulfil his duty to the constituency who elect him. The statute binds him for that purpose; and it is provided by the 3rd section that in a sitting of the full House the Oath shall be publicly made and subscribed by every Member of the House. It does not say it shall be administered. It says it shall be made and subscribed by the Member with the Speaker in the Chair; and then comes a phrase on which I follow the interpretation given by the legal Gentlemen. It is provided that each House shall have the power of regulation according to such regulations as such House may by its Standing Orders direct. I understand we are unanimous in believing that those words refer to matters entirely exterior, and do not give any authority to the House to go between a man and his conscience. There is not a word in the statute to invest the House of Commons with any function but that of hearing and witnessing the mere performance of certain exterior Acts. I do not understand, claiming no authority, how we are to get over the case of the 5th section. If it was intended by the Legislature to put this jurisdiction into the hands of the House of Commons, why not leave it to the House of Commons to enforce that jurisdiction? It is obvious that if the House of Commons was to be thus empowered, it should likewise punish the

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kind, to decline a responsibility which did not belong to us, and to refrain from usurping an authority which has not been placed in our hands. I will not trouble the House further. I will express the hope that I have not given offence to hon. Gentlemen opposite. I claim for us that if our feelings are stirred and governed by anxiety for religious liberty, we have yet, in the intellectual and reasoning processes that we have gone through, adhered closely and strictly to the law. That same respect I cordially offer to those who sit on the other side of the House; but I do beseech them to put guard upon themselves to prevent the infusion into this deliberation—this solemn deliberation—of matter which has no genuine or legitimate concern with it; and if the principle of moral duty requires to be enforced by the dictates of prudence, I do beg of them to consider what have been the unhappy issues of previous attempts by the House to take into its own hands, being a single branch of the Legislature, powers which were never accorded to it by that which alone is its superior—namely, the law of the Realm.

MR. GIBSON: I desire, Sir, to offer some remarks on the speech of the right hon. Gentleman. I entirely coincide, and so do my hon. Friends who sit near me, in the desire that this question should be considered from an impartial point of view, and without any reference whatever to the political views and prepossessions of the Member for Northampton. The right hon. Gentleman, when he said he would avoid all irritating topics, forgetting who was sitting by his side, suggested that all those irritating topics had come from this (the Opposition) side of the House. [Mr. GLADSTONE dissented]. I accept the suggestion of the right hon. Gentleman that he did not mean to deny that a right hon. Gentleman sitting beside him introduced irritating topics. Unquestionably the speech delivered last night by the Chancellor of the Duchy of Lancaster (Mr. John Bright) was characterized by as much bitterness, as much acerbity, and as complete an absence of toleration and charity as any speech which I ever heard in any Assembly; and the Chancellor of the Duchy seemed to consider that unless you agreed with him and sat on the same side of the House as he did himself, it was impossible to entertain an

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upright motive, to feel a single pure aspiration, or to be actuated even by common honesty. Therefore, Sir, I think I am right in guarding myself from admitting that at any stage of this discussion all the irritating topics have been confined to this side of the House. The right hon. Gentleman the Leader of the House said he would discuss this question as a dry question of law. I do not know exactly what is the meaning he attaches to the epithet "dry;" but certainly his statement was anything but the statement of a dry question of law. It was, of course, a very eloquent speech; but although I listened to it both with the attention and respect due to any speech coming from a statesman of his position, yet I failed, with all the training which my profession has given me, to find out what was the definite legal advice, or the precise legal argument that he desired to be followed by the House. He stated that no new law was necessary to enable Mr. Bradlaugh to come to the Table and be sworn; and he then proceeded to argue with great force and great persuasiveness that it would be very inconvenient to have a new law, and that it would be almost more convenient to break or to strain the existing law than to face the inconvenience which its alteration presented. [*Dissent.*] Of course, he did not say that he was so urging any breaking or straining of the law; but he so dwelt on the vast inconveniences that would result as to lead the mind of hon. Members almost irresistibly to the conclusion that anything would be better, and that we should try to adapt our institutions in such a way as to avoid the vast difficulties which he suggested. Now, what are those difficulties? I listened to them, and I am not at all frightened by them; they are open to an obvious answer. Following the lead of Mr. Bradlaugh in the Select Committee, the right hon. Gentleman tried to influence and terrify the House by relying on the precedent of the Wilkes's case, as if there was the slightest analogy between what the House of Commons did in Mr. Wilkes's case and what it is now asked to do by the temperate Resolution of my hon. and learned Friend the Member for Launceston. In Wilkes's case the House of Commons declared that Mr. Wilkes was incapable for his conduct of being re-

elected. Who seeks to apply any such rule to Mr. Bradlaugh? We do not, in the slightest degree, question the right of the constituency of Northampton to return Mr. Bradlaugh, nor his right to be returned by that constituency. Our contention is narrower and more logical. We say that under the existing laws, as they stand, it is impossible, without their alteration or amendment, that Mr. Bradlaugh can take his seat. We take up no line of *non possumus*, as the House of Commons did in Mr. Wilkes's case, when it both rejected him and said it would never accept him at all. We only say—"We admit that you have been returned as a Member; but according to the existing law you cannot comply with the prescribed forms, and therefore you cannot sit." Where is the analogy between that and the precedent of Mr. Wilkes? The other bugbear has been put forward that you will get into conflict with the Courts of Law. Is it the hon. and learned Member for Launceston who seeks to get the House into a conflict with the Courts of Law? If you do what is suggested by his Amendment, no Court of Law can possibly assail what is done. You will get into conflict with the Courts of Law only if you accept the Motion of the hon. Member for Northampton. If you adopt the course suggested in the original proposition you will unquestionably embark in a conflict with the Courts of Law, the end of which no man can foresee. The right hon. Gentleman the Prime Minister admitted that he was bound, as its Leader, to give the House some guidance in the difficult and painful dilemma in which we are placed. And what was that guidance? He said that we are now standing on the narrow ledge of a Theistic test; and I think the Chancellor of the Duchy of Lancaster used an almost equivalent expression last night. That may be a question to be discussed when a Bill is brought forward for that object; but no one is now seeking to impose any new test. Our argument is simple. We say—"Apply the existing law, construe it liberally and generously; do not apply it in a narrow or exclusive spirit, but do not wrest or change it." It is not a question of introducing a test or a pledge; but one of the construction of plain and clear Acts of Parliament. What is the argument of the right hon. Gentleman? As

far as I could gather, his view was in favour of the last contention of Mr. Bradlaugh—namely, that he should be allowed to take the Oath at the Table of this House. The right hon. Gentleman did not say which branch of the question he was in favour of; but his whole argument went to this—"You are a mere external body; your rights are limited to seeing that the external forms prescribed by the Act of Parliament are observed. Mr. Bradlaugh's last demand was to take the Oath; you have no right to prevent him from taking the Oath." I ask at once, is not that entirely inconsistent with the whole action of the right hon. Gentleman from the beginning to the end of this unfortunate occurrence? If the question be so plain as he states it, why did he send it upstairs to be discussed by a Select Committee? But it was the contention of those who contested the appointment of the last Committee that the question was so clear, so free from precedent, and required only the application of two or three sections in the statutes, that it was not a case for a Select Committee, but one for the immediate decision of the House. That contention was denied. The right hon. Gentleman said—"No; you must have a Select Committee; it is an intricate question on which there must be a search of the Journals, and the House has a right to have it considered by a Select Committee." But the right hon. Gentleman has thrown over the decision of the Select Committee, and also the clear opinion of his own Law Officers. When the question was before the House last, on the 21st of May, the whole contention of the right hon. Gentleman was—"I am a layman; I do not set up to be a lawyer; this is a nice, delicate, difficult question of law." Yet he wishes now, on what he contended, and even still contends, is a pure question of law, to throw over quietly in the House the opinion of his own Law Officers. The question was raised in the Committee with precision on this point. There can be no doubt about it; because a proposition was submitted to the Committee to the effect that no precedent had been shown in which the House had refused to allow a Member to take the Oath on account of his views of religion, and that the House could not constitutionally refuse permission to take the Oath on such account. Now the right hon. Gentle-

man has adopted that proposition. It contains the clearest and most concise statement of his argument. But against that proposition there voted in the Committee 16 Members—including the Attorney General and the Solicitor General—while only five voted for it. And now I gather from the right hon. Gentleman's argument that if Mr. Bradlaugh comes to the Table of the House tomorrow and repeats everything he has said he would permit him to take the Oath. That, I think, the right hon. Gentleman cannot logically deny. In what position are we now? If we are merely ministerial machines—if you, Sir, are a mere lay figure in the Chair, then we shall have to look at Mr. Bradlaugh's performance as unreasoning beings. But if we are to apply our understanding, our reason, to what was implicated in his original statement, and what was the clear meaning of the letter of the 20th of May, which he wrote and sent to all the newspapers in London—if we are to consider these things, are we to exercise no judgment upon them? There is a clear dilemma on this point. Either we are ministerial machines, as the right hon. Gentleman said—in which case Mr. Bradlaugh can come forward and take the Oath or the Affirmation as he pleases—or else we are to exercise some judgment, and then we are responsible. We must be either responsible or irresponsible. There is no middle place. As far as I can understand the right hon. Gentleman, he has hardly made up his mind even yet on this question; although his whole argument, if it meant anything, meant this—that we had no jurisdiction to prevent Mr. Bradlaugh taking the Oath at the Table. Am I misrepresenting the argument of the right hon. Gentleman? No dissent comes; and, therefore, I say that I am entitled to assume that the right hon. Gentleman gave this guidance to the House—If Mr. Bradlaugh comes to the Table and takes the Book in his hand, you, Mr. Speaker, are a lay figure, and you, the House of Commons, must do nothing but look on the performance. I took down one sentence of the right hon. Gentleman. He said—"You have no jurisdiction to do more than see the exterior observance of the form." Was the House of Commons ever before told it was in such a contemptible and degraded position? What is the meaning

of this in the face of the 3rd section of the Act which has been read by the right hon. Gentleman, the Parliamentary Oath Act, 1866—

"The Oath shall be solemnly and publicly made and subscribed by every Member of the House of Commons at the Table in the middle of the House, and while a full House is there sitting with Mr. Speaker in the Chair, at such hours and according to such regulations as the House may by its Standing Orders direct."

My proposition in reference to that is clear, has never varied; the House is by that section distinctly made the guardian of the Oath—is bound to see that it is taken under solemn and public conditions, with Mr. Speaker in the Chair, and in a full House; and it is reminded of its duty to deal with this question by Standing Orders. Can that section have been framed for the sole purpose of making us unintelligent and irresponsible witnesses of an act which the vast majority of both sides in this case would regard as a kind of blasphemy? The right hon. Gentleman's argument, if it means anything, means this—that he is willing to allow the Oath to be taken by a person who has intimated, by necessary implication, that that Oath will not be binding upon his conscience. Mr. Bradlaugh published the letter now before the House, in which he said he would not take the Oath as meaning an appeal to God; that the words "So help me, God" were a meaningless addendum, and that part of the Oath was an idle form. That is the guidance—the sole guidance—we are to receive from the Leader of the House on this difficult and delicate question. I venture to think he will find a great many on this occasion will assert their independence. Never, I believe, from the beginning of his speech, did the right hon. Gentleman use the word "affirm." I again assert that the whole and sole argument which the right hon. Gentleman gave for the guidance of the House was this—that we could not—we ought not—we had no jurisdiction to prevent Mr. Bradlaugh from taking the Oath. The right hon. Gentleman knows the circumstances—nobody better. He has read that letter of the 20th of May, and so has the country. He knows what Mr. Bradlaugh said at the Table; and, knowing all this, he has given us the advice to which I have referred. The right hon. Gentleman referred to a saying of the illustrious

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scientifically make. The argument of hon. Members opposite is this—We will assume that the Report of the first Committee was right; but, as the difference of opinion amongst its members leaves it open to question, in order to prevent the House being involved in a delicate and, possibly, a painful inquiry, do not prevent Mr. Bradlaugh from going through this form, so that eventually the question may be settled in a Court of Law. But what I want to know is whether any Court of Law could effectually settle this question? I should like to hear the opinion of the learned Law Officers of the Crown upon this point. I am satisfied that they would not give it as their opinion that a Court of Law could settle the matter, unless it was so fenced round with qualifications as to make it nearly worthless. Let us look at the particular form of Affirmation which Mr. Bradlaugh would have to take. It is the one set forth in the Act of 1866, and it runs as follows:—"I, Charles Bradlaugh, solemnly, sincerely, and truly affirm," &c. In other words, he would use the very words that are prescribed by the statute, and at the time and in the place prescribed by the statute. In such circumstances, I should like to know what would be the fate of an action brought to recover penalties against Mr. Bradlaugh? We are now asked to divest ourselves of all responsibility, and to blindly hand over this question for decision by a Court of Law, which might never determine the question at all. If Mr. Bradlaugh were sued for penalties, the first step in the proceedings would be to put in the Records of the House, from which it would appear that, equally with the right hon. Member for Birmingham the Chancellor of the Duchy of Lancaster, Mr. Bradlaugh had made the Affirmation prescribed by law. I have read the statute closely; and I say that it has been too lightly assumed that a person has only to walk into Court and to enter an action for penalties against Mr. Bradlaugh to be certain of success. The difficulties in the way of such an action are very great. He would have taken the statutable words at the time and in the place indicated by the statute; and would not the Court say—"We must assume in a penal action that the House of Commons satisfied itself that an unqualified person did not take the Affirmation." It could

hardly be contended that his Affirmation under such circumstances was a nullity. The whole argument of the Attorney General was founded upon this proposition—that the question raised is a nice and a difficult one, and that we should get rid of a painful and a disagreeable subject by handing it over to the Law Courts. But how is this question to be handed over to the Law Courts? Who is to be the prosecutor? Will the Attorney General undertake to commence and carry on this action for penalties against Mr. Bradlaugh? The Attorney General is not divested by the Act of last Session of his responsibility in such a matter, and he is as much technically as the Irish Attorney General is actually the Public Prosecutor of the country. Is it intended that the matter shall be left to chance or to any individual who shall volunteer to proceed, in the same way as it has been left to any person to proceed against those who issued the Liberal Circular? Is the House of Commons to evade a decision on this question without its being certain that the question will be raised and decided elsewhere? I venture to tell the House of Commons that it cannot so divest itself of its responsibility. Every time that Mr. Bradlaugh sits and votes it will be open to any hon. Member to move, night after night, that a new Writ be issued for the borough of Northampton; because the Act says that, in addition to such penalty, the seat shall be vacant, as though the person elected were dead. The issuing of the Writ in no way depends upon whether the penalty has been recovered. This, then, is the way in which it is suggested that we should get out of the difficulty attending this very nice and delicate question—namely, that we should avoid collision with the Law Courts by handing over the whole question to them. There is another point which I was surprised to find left unnoticed, having regard to the vast experience of the hon. Member for Bedford (Mr. Whitbread.) The words contained in the Report of this last Committee, in its unauthorized clause, were that we should "not prevent" Mr. Bradlaugh from going through the form of making an Affirmation. Now, I beg the House that there shall be no play on these wretched words, "not prevent;" for it must not be forgotten that if we do not prevent we permit, and if we permit we sanction; and

Mr. Gibson

it be contended for a moment being permitted and sanctioned Bradlaugh making an Affirmation. Table, we might not be asked to justify him from the consequences of an action that might thereafter be taken against him? I believe this will close without that statement seriously encountered. It may be that, and the House may be told the question is a nice and difficult one. I repeat that if the House decides the making of an Affirmation by Bradlaugh, it will be bound to meet all events, with great respect to applications for the indemnity of Mr. Bradlaugh against the expenses of the act which he is now taking. Indeed, he may do more; the Prime Minister has said that Mr. Bradlaugh may take his choice, and if he chooses to make an Affirmation instead of the Oath, all those who are of the opinion that the best thing that can be done is to be somewhat grateful to him for sparing us part of his performance. Last night the right hon. Gentleman the Chancellor of the Exchequer based his argument on the fact of Mr. Bradlaugh being allowed to affirm upon the case of Mr. Bradlaugh. I will assert that there is no analogy between the two cases. Mr. Bradlaugh was a Quaker, and the Select Committee which dealt with his case had to consider three statutes under which it was laid down that the Affirmation of Mr. Bradlaugh was to be taken in all Courts and other places in which an oath was taken, allowed, or required. The nature of the Affirmation was not confined to a Court of Law. The nature of the Roman Catholic was decided by the Prime Minister, and the hon. Gentleman to whom I have referred, and, as I believe, with the view of stirring up the old animosities which existed with regard to that subject. I shall not refer to them in detail; but I would just mention that, as also that of the Jews, in order to point out that when the difficulty concerning them it was dealt with by a side-wind which would over-throw statutes and precedents as in the present case. This is a question which can only be dealt with logically and not by the use of new legislation, and that is what I say ought to be done, in order to meet the arguments, *pro* and *con*,

may be carefully and candidly weighed. Whatever we do, I hope it will not be thought that the House can escape its responsibility by giving a blind vote. Let the House take an honest and straightforward course: give effect to, or reverse the decision of, either or both of the Committees, and not in a cowardly, un-English fashion, seek to evade its duties and responsibilities by degrading itself into a mere piece of mechanism, a kind of conduit pipe to a Court of Law. I pray the House not to put its laws and privileges under the feet of Mr. Bradlaugh, as it is invited to do; and, for my own part, I shall decline—having stated my opinions and the reasons for them—to be a party to what I believe would be a plain violation of our laws. I shall vote against Mr. Bradlaugh being allowed to make an Affirmation which would violate the law of man, or to go through the form of taking an Oath which, in his lips, would outrage alike the laws of man and God.

Mr. W. FOWLER said, that it was clear that the House was in a position of great difficulty. On the one hand, it was hard to see how Mr. Bradlaugh could take the Oath after claiming the right to affirm, because he had already affirmed under Acts of which no one could avail himself without stating that an oath was not binding on his conscience; and, on the other hand, a Committee had decided that he could not legally affirm. The last Committee had recommended the House to allow Mr. Bradlaugh to do an act which the former Committee had treated as illegal, and this was a very disagreeable position. He had felt great doubts, but had come to the conclusion that it was his duty to vote for the Motion of the hon. Member for Northampton. He regarded the Amendment as a Motion for the expulsion of Mr. Bradlaugh in another form. Hon. Members said to themselves—“We won't have this man as a Member at any price,” and so they used the Oath as a means of expulsion. He could understand the strong feelings of hon. Members opposite, like the Members for the City who had spoken; but he thought that if there was to be a Motion for expulsion, it would be only fair to wait till the Member had taken his seat, and could reply to what was said against him. He objected to the use of an oath as a test. These Parliamentary Oaths

were never meant as tests. Moreover, they were most imperfect as tests, for it was notorious that there were hon. Members in that House who held similar views as to the non-existence of a God with Mr. Bradlaugh, who had, nevertheless, taken the Oath. So it was now, and so it always had been. Moreover, Oaths were never demanded from Members until the 5th Elizabeth. He quoted the Preamble and clauses of that Act to show that these Oaths were then imposed on Members merely to secure the safety of the Crown from disloyalty, especially in reference to the members of the Church of Rome. But the Oaths had been used as tests against one set of men after another—the Friends, the Catholics, the Jews—and now, at last, they were sought to be used to secure the presence of only those men who believed in “some God or other,” as the hon. Member for Portsmouth put it. Feeling the difficulty of the case, still he could not sanction such a proceeding. He felt that it was their duty, as Christians, to act fairly and justly towards all; and though they were told by Members opposite that the House would be put into a very awkward position if Mr. Bradlaugh were allowed to affirm, on the other hand, if they did not, they would have a repetition of Wilkes’s case, and an unseemly contest with the electors of Northampton. The House would certainly be defeated if it entered on that sort of contest. The case against Wilkes was a very strong one; but, as they had heard, the House had to yield and to expunge the record. No one would suspect him of any sympathy with the opinions or proceedings of Mr. Bradlaugh; but he felt that justice and fairness between man and man demanded that he should be permitted to take his seat, taking, of course, on himself all the risks that might thence arise. He thought that of the two difficulties, that of allowing him to affirm was the less, and he should vote for the Motion.

SIR HENRY TYLER remarked, that nearly all that could be said on the subject had been admirably stated by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), and no one could put it better. But a few points had been left untouched, to which he wished to direct the attention of the House. Now

that the two Committees had reported they were left face to face with Mr. Bradlaugh; and the question was, whether he was to take his seat on making an Affirmation, or was to be prevented from making an Affirmation or taking the Oath? Considering the way in which Mr. Bradlaugh had presented himself—first claiming to make an Affirmation, and then proposing to take the Oath—it was natural and proper for them to inquire, and they were entitled to inquire, who and what was Mr. Bradlaugh, who thus asked to be received in the House in an exceptional manner. It was not, as had been stated, that the House was inquisitorial, or that from previous knowledge of Mr. Bradlaugh or prejudice against him they desired not to admit him. He was convinced that if Mr. Bradlaugh had presented himself at the Table, and had quietly taken the Oath without making any unusual claim, or otherwise obtruding himself, or drawing special attention to his position, he would have been allowed to take his seat without interference from anyone. But Mr. Bradlaugh, by the course he had adopted—by proposing first to affirm, and, secondly, to take the Oath, and by his letter, which could not be too often quoted, declaring that in taking the Oath he would be taking something which to him was “a meaningless set of words”—had put himself in such a position that the House was asked to treat him in an exceptional manner. And who, then, was this Gentleman who asked to be treated thus exceptionally? A number of precedents had been adduced from time to time applying to Quakers, Moravians, and Jews, but none to Atheists. But it was not the question merely of an Atheist which was before them. It was a question for which there was absolutely no precedent—that of an Atheist who was not merely an Atheist, though he had been described from the opposite Benches as a poor persecuted man with a conscience, who desired to do what was right, and to affirm in the manner most proper and convenient to his conscience. Mr. Bradlaugh was not such a man. He was a man whose livelihood, whose profession for a series of years, had been to disseminate cheap and pernicious literature among the mass of the people. That was the man who came to that Table and asked the House to treat him in an ex-

ceptional manner. When this question was discussed on a previous occasion, and it was proposed to appoint a Committee, he ventured to produce some pamphlets published by Mr. Bradlaugh, and he was called to Order for reading from those pamphlets. But he believed he should be in Order when he mentioned that those pamphlets had not only the name of Mr. Bradlaugh as being written by him, but had on the back that they were printed and published by Charles Bradlaugh and Annie Besant. He held those pamphlets in his hand. He was not going to trouble the House with them. But they were evidence of the statements he had made, and the contents of the pamphlets were such that if Mr. Bradlaugh were admitted to the House he should be very much surprised if some hon. Gentleman did not rise in his place and propose a Select Committee to inquire whether, having regard to those writings, Mr. Bradlaugh was fit to be a Member of the House. On the last occasion when he quoted a passage from one of those pamphlets, Mr. Bradlaugh went to his constituents in Northampton, and in the course of a speech which he made, remarked upon his (Sir Henry Tyler's) "mad antagonism," and said that the pamphlet from which the quotation was made was not his at all. He could only say it had Mr. Bradlaugh's name on the face of it, and his name, with Annie Besant's, as printers and publishers on the back. He did not know what better evidence he could have. He found it in the catalogue of Mr. Bradlaugh's and other works—"the 300,000th catalogue." He sent a clerk to Mr. Bradlaugh's publishing office for it; he found it and other pamphlets there; and if Mr. Bradlaugh denied the pamphlet to be his he ought to take his name from the front and the back of it. The fact was that Mr. Bradlaugh could not come into the House without bringing Annie Besant with him, because he observed that her name was on the back of all these pamphlets. A great deal had been said by right hon. Gentlemen on the Treasury Bench of religious liberty and Christian charity. What was Christian charity? If Mr. Bradlaugh were starving it would be Christian charity to give him food; if he was in need or necessity to help him in other ways; but surely it was not Christian charity to admit him to take an

Oath which he characterized as an unmeaning ceremony—a ceremony which would be as outrageous an insult to Almighty God as could be performed. So, with regard to religious liberty, he had seen Turks in the heart of Bosnia spreading their carpets on the grass, and performing their devotions for 20 minutes before taking rest or refreshment after a ten hours journey; and he could respect Mahomedans and others for the conscientious performance of the duties of their religion and the way they performed those devotions; but how could he respect a man of this description, who first pretended he could not take an oath because it was not binding on his conscience, and, when he found he could not get in otherwise, professed his readiness to take it? They were threatened with legislation on the subject. Was it possible that hon. Members would be persuaded to adopt exceptional legislation to admit such a man to that House? Much might be said on one side or the other, as to the necessity for, or expediency of, retaining the Oath in its present form; but he must say he valued the Oath now more than ever, because it might be the means of keeping such a man out of the House.

MR. MELLOR could not help saying he had heard the speech of the hon. Member for Harwich (Sir Henry Tyler) with unfeigned regret. He could not conceive that any good could be attained by the course he had followed. The hon. Member rose in his place and, in the absence of Mr. Bradlaugh, made all sorts of attacks upon him. He referred to pamphlets, and said things which really had nothing to do with the question before the House. The House was called upon to exercise a judicial function, and he hoped they would approach the duty in a judicial spirit. He had no sympathy with the views and feelings of Mr. Bradlaugh, and he deplored the fact that any hon. Member should entertain such sentiments; but in this free country Mr. Bradlaugh was just as much entitled to his views, however unpalatable or revolting they might appear to others, as he was to his, and he ought to get credit for holding them conscientiously. The question was what was the best course, under all the circumstances, for the House to take? His hon. and learned Friend the Member for Launceston (Sir Hardinge Giffard) said

last night that Mr. Bradlaugh had pressed his views on the House. With great submission, that was hardly so. He came to the House, and, being most certainly aware of the feeling that would be created if he proceeded to take the Oath, he claimed to affirm. He was acting in what many believed his strict right. What course did the House take? A Committee was appointed—not to decide the question, not to bind, but to assist the House—to look into the Act of Parliament and to examine precedents. There was considerable opposition on the other side; although the right hon. Baronet (Sir Stafford Northcote) had assented to the Committee, the hon. Member for Portsmouth (Sir H. Drummond Wolff) objected to the Members being nominated, and raised an excited debate, in which unfair attacks were made upon Mr. Bradlaugh and considerable feeling was aroused. The result was that among the various religious communities throughout the country the question of religious liberty was raised, and the feeling prevailed that if Mr. Bradlaugh was to be excluded to-day it might be their own turn to-morrow. The question was, what were Mr. Bradlaugh's rights? That depended on the construction of the Act of Parliament. They had heard from the hon. and learned Member for Launceston, and the right hon. and learned Member for the Dublin University (Mr. Gibson), a great deal of argument and some declamation; but the real question was, what were the rights conferred and the duties imposed by the Act? The Act imported that every Member should take the Oath—he must do so. Mr. Bradlaugh, feeling that obligation, came to the Table. But if the Oath were objected to Affirmation might be made; and the Act went on to specify those who might do so. The words were—"All who by any law for the time being are entitled to affirm." After the passing of the Parliamentary Oaths Act in 1866, he maintained that "every person who by any law is entitled to affirm," must mean that those who were entitled to affirm in Courts of Law were entitled to make Affirmation in the House of Commons. The decision of the first Committee was not binding on the House, and when their Report was placed upon the Table Mr. Bradlaugh asked to be allowed to take the Oath.

Mr. Meller

The hon. Member for Portsmouth objected, and with that objection he entirely sympathized. If, indeed, the question were that Mr. Bradlaugh should be allowed to take the Oath, he should, if he thought the House had any jurisdiction to interfere, vote against his being allowed to do so. But the House had, in his opinion, no such jurisdiction. They had no right to inquire into the motives, the conscience, or the religious views of any person who presented himself to take the Oath. If they were allowed to do so, they might raise a debate as to the religious belief of any hon. Member coming to the Table to be sworn. That, he thought, would be a great national misfortune. The only duty, however, cast upon the House by the statute was to see that the Oath was taken in the ordinary form; and the Act provided penalties—the vacating of the seat and the payment of a fine of £500—in the case of any Member who was not entitled to affirm sitting without having taken the Oath. If Mr. Bradlaugh were willing to take the risk of affirming, and they allowed him to do so, he would be pursued in an action before a Court of Law, where the real construction of the Act of Parliament could be settled. There would be no difficulty in finding a plaintiff. The difficulty would arise from there being too many. Mr. Bradlaugh would be pursued for voting and sitting in the House without taking the Oath. He would answer that he was one of those persons who were excused from taking it, and allowed to substitute for it an Affirmation. Then the Judges would determine whether he was so excused. The House would thus have the Act authoritatively interpreted. He thought it a pity the House of Commons could not now call in the Judges to give their opinion on a point of law, as the House of Lords used to do. But, as they could not do this, the adoption of the Motion of the hon. Member for Northampton (Mr. Labouchere) was the best course for them to adopt.

MR. RODWELL said, he had listened with somewhat painful interest to the debate which had taken place, and did not hesitate to say that a great many things had been said on the other side in which he concurred, and that some observations had fallen from hon. Members on his side with which he could not altogether agree. His hon. and

learned Friend who had just sat down had urged that, as Mr. Bradlaugh was entitled to affirm in Courts of Justice under the Act of 1869, he was, under the provisions of the Act of 1866, entitled to affirm in that House. He took issue on that point with his hon. and learned Friend, who would see that the Act of 1866 twice used the word "solemn" — "a solemn declaration" and a "solemn affirmation." [The hon. and learned Member then referred to the Act of 1869, and read the 4th section of that Act, which provided that the affirmation should only be admitted when the presiding Judge was satisfied that an oath would have no binding effect upon the witness's conscience.] He would observe that the word "solemn" was omitted from that Act. In the previous Act the word "solemn" was to be found twice. The words of the Act of 1866 were intended to make an affirmation equivalent to an oath. The mere ordinary words of a promise were not admissible by the Act of 1866. When words were deliberately omitted from an Act of Parliament something was intended by such omission; and he felt that the absence of the word "solemn" from the Act of 1869 was significant. What was the object of the Act of 1866? It was not simply to relieve Quakers, Moravians, and others; it was really aimed at excluding persons in Mr. Bradlaugh's position. The Declaration which was to be in lieu of the Oath was to be as solemn as the Oath; and the same circumstances which prevented Mr. Bradlaugh from taking the Oath prevented him also from taking the Affirmation. If he could not take the Oath he could not take the solemn Affirmation. A profession of some religious faith was requisite in either case. He did not wish to use a merely technical argument; but he thought that if words were carefully introduced into one statute and omitted in another, some importance ought to be attached to the circumstance. The very terms used in the Act of 1866 presumed that the person making the Affirmation had some religious faith. He was anxious not to say a word which would wound Mr. Bradlaugh's feelings; but he believed that within the meaning of the Act he was not competent to make anything more than a bare promise; he was incapable of either making a solemn declaration or of taking an oath.

The hon. Member for Northampton had urged, with some plausibility, that it was sought to impose a religious test; but it was not really so. There was nothing in the Act of Parliament which required any question to be put as to what a man's religious belief was. It only asked a person to profess some religious belief. The words quoted by the right hon. Gentleman the Member for Birmingham (Mr. John Bright) from Lord Holland were susceptible of a different interpretation from that of the right hon. Gentleman. He believed that Lord Holland meant to convey that a Member should be required to acknowledge that he had some religious belief, and that the passage quoted was a confirmation of the views which he was then expressing. He did not share in those views which had been expressed as to the paramount necessity of respecting a large and important constituency. The constituency of Northampton knew when they elected Mr. Bradlaugh that they were raising difficult and delicate questions, and they must take the consequence. He thought that due regard ought to be attached to what had been termed the religious instinct of the country. He believed that people were asking themselves whether the House of Commons was going to assist Mr. Bradlaugh to take his seat. He agreed that the constituencies were looking with interest upon the result of the division, but not in the sense in which hon. Members had said so. He had himself been urged, especially by one class of Dissenters—the Wesleyans—to vote against Mr. Bradlaugh's admission to the House. He felt bound to vote against the Motion of the hon. Member for Northampton; and if action were taken to procure Mr. Bradlaugh's admission, he should prefer that it should be done directly rather than by a side wind.

Mr. A. MOORE said, he had not intended to take part in the debate; but after what he had heard he intended to say a few words. He felt it his duty, and the duty of every man in the House, to speak out plainly and firmly. They had had nothing but lawyers from beginning to end, and he thought one of their calamities was the rapacity with which those hon. and learned Gentlemen had occupied the time of the House. The question was not a tribunal question or a legal question—it was a broad and

simple issue, and those who involved it in legal technicalities were doing nothing but throwing dust into the eyes of the country. The point really at issue was this—Great Britain being a Christian country by the Constitution and the Common Law, were they to allow an avowed Atheist, who thrust his opinions before the House and the nation, to take part in the government of this country? If they did so, why was it? Because the people of the country wished it? He did not believe they did wish it. He could not answer for the people of England and Scotland, though he did not believe either of those countries were in favour of it; but he could answer for Ireland. Was it because they wished to create a new precedent? If that was so, and they wished to create a new precedent, contrary to the time-honoured usages and customs of the House, why did they not create a new precedent in the case of poor Mitchel and O'Donovan Rossa? One at least of those gentlemen was an educated man, and neither of them had spent his time in attempting to pollute the minds of his fellow-creatures. He had been very sorry to hear the speech of the right hon. Gentleman the Member for Birmingham (Mr. John Bright) the night before, and he thought it was the most mischievous speech he had ever heard in the House of Commons. He had tried to lead the House on a great number of false issues, and he was of opinion that it would have been far better if he had not made the speech at all. Hon. Gentlemen had quoted the Catholic year; but the Catholic year had nothing to do with the case before the House at all. For many years Catholics were excluded purposely from sitting in that House; but because it was just to allow Catholics who had been unjustly excluded from that House to enter, did it follow that it was just to allow an unbeliever, an Atheist, contrary to all usage and precedent, to do so? Another argument had been that a Quaker was allowed to take his seat in the House after making an Affirmation; but the hon. Member who had just spoken had called attention to the fact that the sanction of the Oath and the sanction of a promise were in essence the same, although in form the Oath was more solemn, because it expressed a belief on the part of the person who took the Oath in the existence of a

Supreme Being; but what sanction did the hon. Member for Northampton offer who believed in no Deity and in God? He thought the House ought to take a broad view of the question. It ought to feel that it had its own dignity and the dignity of the people to consult; and he did not believe that in allowing Mr. Bradlaugh to enter the House they would consult either the one or the other. He thought that they had already heard a great deal too much on the matter. Let them look all over the habitable globe at millions of subjects of different nations which this country was called upon to rule differing in customs, manners, and institutions; but all universally uniting in the worship of one Supreme Being. Those subjects and nations looked to this country for freedom and protection, for guidance and light; and he asked the House was that the first message they were prepared to send out in the plenitude of fulness of their strength and youth, to be one which should exalt an Atheist and dignify an unbeliever? He did not believe it, and in his humble voice he should oppose the Motion, believing that it had in itself the germs which would lead to the degradation of the House, and which would bring disaster and disgrace on the country.

MR. FORESTER also thought the House had heard quite enough of legal arguments. The question was whether they should admit within those walls one who not only professed Atheism, but who had shown in his writings that he would be willing to overthrow the Throne and the Constitution. He (Mr. Forester) believed that the country had gone backwards in the forms of Christianity under the present Prime Minister. For his own part, he protested against the admission of a man who not only repudiated the claims of our Royal Family to the succession to the Throne; but repudiated the claim of the King of Kings and the Creator of the Universe to the united homage and undivided allegiance of the God-fearing Representatives of a Christian people. Turning to the speech of the right hon. Gentleman the Member for Birmingham, he said that the right hon. Gentleman was apt to pose as the embodiment of the Christian virtues of charity, tolerance, and forbearance, yet seemed never to miss an opportunity of saying some-

fied in the case of Alderman Salomons. No; it was because the Catholics and the Jews long pleaded, argued, and claimed as Catholics and as Jews that they had a right to representation in the Councils of the nation. And nobly and manfully did they bear the penalty for many a weary year of the open and fearless avowal of their belief. If ever the day came—which God forbid!—when the Atheists of this country should be as numerous as the Jews, the Nonconformists, and the Catholics, and when, imitating the courage and manliness of the Jews, the Nonconformists, and the Catholics, they should insist and claim as Atheists to come in there, then the House would have to consider their demand. But then they would be face to face with an Atheism which had the courage of its convictions, and not with the furtive thing which confronted them there that night, which sought to steal into that House; which first would not swear and then would swear, which sought to pick the lock, not to force the gate. The Catholics of Ireland struggled long for admission to the House of Commons, but he was not afraid to say that they would have preferred to remain outside the portals for another century rather than purchase their admission by asking for the overthrow of the religious foundations of the nation; so highly did they value the sanction of religion, even in the view of the State, as consolidating society, and making the organization of a nation something better than an agglomeration of individuals. He honoured the men opposed to him in this debate who were not defending Mr. Bradlaugh's Atheism, but who, he was convinced, were, according to their own view, defending that doctrine of "civil and religious liberty" which had admitted many of them to that House, as it had admitted himself. But he honoured also, and all his sympathies were with those Gentlemen on both sides of the House, who, although they knelt at a different altar from him, still stood up for that great principle which gave its name to Christendom, and which could not be blotted out from the history of the world without sending them back to Pagan barbarism and darkness. He was sure that in speeches they had heard in that debate there was a gloomy foreboding for England. Under the name of freedom of thought, and under the

name of religious liberty, scepticism and infidelity, speculative or practical, had made more ravages in English society than England would wish to recognize. And greatly he feared that if they came to a decision that night to admit Mr. Bradlaugh—who himself, not they, raised this painful question—they would change the whole current of English political history, they would materially alter the whole character of the Constitution. Let him warn the House against the argument of the Prime Minister that they must have no test that would wound a man's conscience. What did the right hon. Gentleman mean by conscience? Look across the Channel where the oath proposed to be taken by the Army was only "upon my honour." Would the Prime Minister allow Mr. Bradlaugh to say—"I pledge my honour that I intend to pay allegiance to the Queen?" He adjured the House to answer the present Motion by standing upon the lines of the present Rules as they existed upon their books. If they oppressed men's conscience, he, for one, would cheerfully consent to their being, by subsequent legislation, put in harmony with the generous policy which he hoped always to follow. But he protested against an interpretation of the Rules which would plainly violate them. With these words he had, at all events, discharged a duty, although a painful one, to his own conscience, to the constituency he represented, and to the country from which he came. Let no one say, if the Irish Catholic Members were seen in the Lobby with Conservative and Liberal Gentlemen who would vote against this Resolution, that they were Ultramontane bigots who preached an exclusive creed and intolerance. He who made that accusation against him must tell him whether any constituency in England or Scotland had sent to that House a Roman Catholic to represent it. He spoke as one of the Representatives of one of the most Catholic constituencies in Ireland, which had elected as his Colleague a Protestant. The county of Mayo, in which 90 per cent of the inhabitants were Catholics, sent a Protestant minister to represent it in that House. Let them not be charged with bigotry if to-night, as Christian patriots, they joined with their Protestant fellow-citizens in standing up for a recognition of the Christian's God.

debates had been occupied with a special Resolution for the benefit exclusively of Mr. Charles Bradlaugh. If the Resolution was carried, the House would not touch any of the numerous issues raised in the speech of the Prime Minister, who seemed to have entirely underrated the importance of what he called the narrow line upon which they were arguing the right. For his own part, he should refuse to continue these arguments in the *Nisi Prius* strain. They had had too much of it already, though he disclaimed any intention to undervalue the usefulness of contributions to the debates of the House from Members of the Profession to which he had the honour to belong; but he must point out the fact that the great Constitutional issues determined by Parliament for the last 200 years had been decided by the non-legal element in the House, representing the broad feelings of the nation, which was able to rise above what were sometimes the narrow lines of legal argument. They had no right to strain the Forms of the House, either to exclude Mr. Bradlaugh or to admit him. If Mr. Bradlaugh had come to the Table on the first day, with all the other Members, and had taken the Oath, it would have been a tyranny from which he should recoil for anyone to rise in the House, and, because of acquaintance with the out-of-doors writings or opinions of Mr. Bradlaugh, step between him and the Book. They had no power and no right to set up an inquisition in that House into any man's conscientious belief, or to try him by the decrees of the Council of Trent, by the Thirty-Nine Articles, or by the Westminster Confession. Outside the House the hon. Member might be a speculative Republican, or a speculative Rationalist or Freethinker; but the House ought not to try him for any of these views. There were only two tests put to a man at the Table of the House; one of them political, and the other religious. And there he joined issue with the Chancellor of the Duchy of Lancaster, who would ask them to sweep God from the contemplation of their proceedings. They might be Home Rulers, Conservative, Liberal, or Radical; they might hold any political opinion as to the destinies of this country save one—they must pledge their fealty to the Monarchy, as at present constituted. That was a political test. They must, to that extent

at least, be Monarchists. Then, the religious test was linked with the political test for the purpose of strengthening and making more obligatory that political promise. In that sense, their rule required them, in the letter and in the spirit, to affirm a belief in the existence of a Supreme Deity, who would judge them hereafter, and it was because they invoked Him to mark their declaration of fealty to the Sovereign that the religious was linked with the political test on admission to that House. With that recognition of the Most High, a man might hold any religious opinions whatever on entering that Assembly. He denied, historically, that ever the Rules of that House contemplated the entrance into it of a man refusing to acknowledge the Supreme Being. That House was a representation of the nation. They were not dealing with a community, established on a new basis and on new theories. The British Constitution had grown, and was not made; that nation was built on the Christian theory of the family. The speech of the Prime Minister, and the Motion before them, invited them to regard the Members of that House like the directorate of a limited liability company. An hon. Member was, forsooth, analogous to the director of a railway, whom the shareholders had elected. He must be admitted, for he came there to manage the affairs of the company. That was the exalted conception presented to them of that ancient Senate. The House, he maintained, was founded on a nobler, a more ancient, and a higher conception than that. It was a Representative Assembly, in which men believed that the wisdom required even to rule a temporal Realm came from the Most High, and which commenced its deliberations by invoking the Divine blessing. But they were told that the House had altered its tests. Was he, as a Roman Catholic, to be charged with intolerance and want of generosity in the course he took that night? The alterations in the tests had never been made to relieve the embarrassments of an individual, but in obedience to the claim of a large class or section of the community. It was not to relieve that individual Catholic, Mr. Daniel O'Connell, in 1829, that the test was altered by Parliament. It was not to oblige an individual Jew some 20 years ago that the test was again modi-

we are not the House must restrain the High Court of Justice from proceeding, or it must itself pay the amount of the penalty and of the costs imposed upon Mr. Bradlaugh. It must be remembered that this was not Mr. Bradlaugh's case; it was the case of the House itself involving its own Privileges. He protested against that House being made a catspaw of in order to ascertain the rights of Mr. Bradlaugh. If he believed that he was in the right, let that Gentleman follow the example of Alderman Salomons and have a *qui tam* action brought against him in order that his right might be determined by a Court of Law. In reference to the large question which had been raised outside the legal point—namely, whether the House intended, or did not intend, to take a course which would have the effect of partially disfranchising the constituency of Northampton, he wholly denied that there was any parallel between the cases of Mr. Bradlaugh and those of Wilkes and Luttrell. In the case of Wilkes the action taken was that of a Parliament who had determined at any risk to keep out of the House a man who had been returned by a constituency, but who was obnoxious to the Crown and to the Minister of the day; but the House had at length to yield to public opinion. [Mr. GLADSTONE: Hear, hear!] It was all very well for the right hon. Gentleman to cheer ironically; but he would remind the right hon. Gentleman that the accident of Mr. Bradlaugh's election for Northampton did not express the public opinion of England. He, for one, declined to treat the tempest in a tea-cup at Northampton as an expression of public opinion. If ever the Atheistical opinion of England was expressed by the election of Atheists, then would be the time to deal with the question, and to act by legislation and not by Resolution. That time had not yet arrived, and he should, therefore, feel bound to vote in favour of the Amendment; though, in so doing, he should separate himself from those with whom he uniformly acted.

MR. COHEN said, that he had always entertained the view which had been expressed by the Prime Minister, and he did not think that the House of Commons ought to interfere with a man who had been elected, and who came forward prepared to perform that which was his statutory duty. He should not have

addressed the House on the present occasion, but for the fact that the hon. Gentleman who had last spoken expressed the extraordinary opinion that the Judges in the Courts would not act in opposition to a Resolution of the House of Commons by ordering Mr. Bradlaugh to pay penalties consequent upon sitting and voting in the House. As far as matters of privilege were concerned Parliament had a right to adjudicate, and it could also pass Acts; but the power of adjudicating upon legal questions raised under such Acts rested with the Judges in the Courts before which cases came. On the general question he maintained that the taking of the Oath or the making of an Affirmation was no part of the procedure of the House, but was simply a ceremony of which the Members who happened to be present at the time were accidental witnesses. He admitted that this was a difficult question. As far as he could judge, he was inclined to the opinion that Mr. Bradlaugh was not entitled to Affirm. ["Hear, hear!"] But when hon. Gentlemen said "Hear, hear!" did they not know that very eminent lawyers held that Mr. Bradlaugh was entitled to Affirm? It was a grave and difficult legal question, and one which a Court of Justice, and not the House of Commons, ought to determine. If the Courts of Justice decided that Mr. Bradlaugh was not entitled to Affirm and to take his seat he would be liable to a penalty, and his seat would become vacant. He did not know whether he would be re-elected; but if he were, and came to the Table of the House prepared to take the Oath, he should like to hear the distinguished lawyer who would say that any hon. Member could object to his doing so. What possible harm, he would ask, could it do to leave the question under discussion to the decision of a Court of Justice? The past history of the country showed that the House had got into a position of considerable difficulty when it attempted to interfere with the rights of constituencies; and he could not help thinking that hon. Members ought to be grateful to the Prime Minister, who had given the House fair and full warning that Mr. Bradlaugh would at his own risk present himself at the Table and make an Affirmation, seeing that if he was not entitled to Affirm the Courts of Justice

MR. SYNAN said, he declined to allow his judgment to be warped by an appeal to passion. He was glad to see this matter liberated from the *Odium Theologicum*, and confined to a legal question. He denied there was any analogy whatever between the case of Mr. O'Connell and that of Mr. Bradlaugh. In 1828 the Roman Catholics asked to have the law altered in deference to their religious opinions; but here was a man without any religion, and who openly avowed his contempt for all religion, not asking to have the law changed to meet his views, but alleging that by law he was entitled to affirm. Instead, then, of there being any analogy between the two cases, they were, he maintained, the very converse of each other. If the speech which the Prime Minister had made in the course of the evening had been made when Mr. Bradlaugh came to the Table and had offered to take the Oath, it would have been unanswerable; but the House had exercised jurisdiction on this matter for a month, and it was too late for the Prime Minister to say now that it had no jurisdiction in the matter. The question whether Mr. Bradlaugh was entitled to make an Affirmation having been referred to a Committee of the House at the instance of Her Majesty's Government, the Committee made a Report adverse to his claim; and now the Prime Minister and other right hon. Gentlemen on the Treasury Bench said that the House had no right to have interfered in the matter, and that Mr. Bradlaugh, and Mr. Bradlaugh alone, was the judge of whether he was a proper person either to make an Affirmation or to take the Oath. The House, however, did intervene a second time, and the question whether Mr. Bradlaugh was entitled to take the Oath was referred to a Committee, who, in a rider appended to their Report in reference to a matter which did not in any way come within the scope of their inquiry, recommended the House to evade the difficulty by permitting Mr. Bradlaugh to make an Affirmation, and so to shift the responsibility from themselves on to the Courts of Law. Mr. Bradlaugh based his claim to affirm upon the Act of 1866, which allowed Quakers, Moravians, and Separatists to make an Affirmation; but nobody else under that Act was entitled to affirm instead of taking the Oath. The Evidence Act was passed

four years after, which gave a right to persons whom the Judge might decide ought not to take an oath, as it would not be binding on their conscience, to make an Affirmation. But how could that Act apply to the House of Commons? The hon. Member for Northampton (Mr. Labouchere) had been compelled to assume in his argument that the Speaker was in the Chair as Judge; but that assumption was absurd and ridiculous. The hon. Member appealed for justice, and, in reply, he (Mr. Synan) begged to say in the words of Portia to the Jew—

“But as thou urgest justice, be assured,
Thou shalt have justice more than thou
desirest.”

The Speaker was the Chairman, and he had no right to put an Affirmation or put an Oath to any Member. No doubt the position of things was critical and unpleasant; but the man who had brought such a state of things about was Mr. Bradlaugh himself. It was not, therefore, open for Mr. Bradlaugh to blame the House for acting upon its conscientious opinion, and for supporting its dignity, its rules, and its laws. It was for the House to decide who was entitled under the laws and regulations of the House to sit in it, and what was the law which was to regulate its proceedings; and it was not to be forced into taking any step not authorized by that law in consequence of any outcry that came from Northampton or elsewhere. There was no doubt that under the Acts of Parliament Mr. Bradlaugh was not entitled to make an Affirmation; and the only doubt that had arisen on the matter was caused by the rider to the Report of the second Committee, which was intended to afford a loophole through which the House might escape from the difficulty in which it had involved itself, and throw the responsibility of deciding this question upon the Courts of Law. The House, however, had no power so to shift its responsibility. Was the High Court of Justice to be asked to decide this question adversely to the Resolution of the House? When did that House permit a Court of Law to decide upon the validity of its proceedings? Were they to establish a supreme jurisdiction in the highest Courts of the land to decide upon the law of Parliament as in America? If

(Mr. John Bright). Whatever happened, he hoped the Resolution would be upheld which he himself formerly proposed, and which had been affirmed by the Committee chosen by the right hon. Gentleman at the head of the Government.

MR. CHILDERS: Sir, in the few remarks I am about to make, I can assure you that I shall use no language calculated in the smallest degree to promote any feeling such as has been expressed on some occasions during the last two evenings, but that I shall adhere strictly to the terms of the Motion before the House. The Motion is simply that Mr. Bradlaugh should be allowed to Affirm at this Table, and the Amendment moved by the hon. and learned Member for Launceston (Sir Hardinge Giffard) proposes that Mr. Bradlaugh should not be permitted either to take the Oath or to make the Affirmation. The Amendment is said to be founded on the Reports of the two Select Committees which recently investigated this subject. At first it will, of course, appear to all hon. Members that, considering one of those Select Committees distinctly recommended that Mr. Bradlaugh should be allowed to Affirm, it is difficult to found upon that recommendation the suggestion of the Amendment that he should not be allowed to Affirm. But we have the answer suggested by the other side that the Committee which made the recommendation that Mr. Bradlaugh should be allowed to Affirm went beyond the Reference to them in making that recommendation, and that, therefore, it was not necessary for the House to follow them in that advice. Now, I wish to remind the House precisely of what the Committee did. The Chairman, my right hon. Friend the senior Member for the University of Cambridge (Mr. Walpole), brought up a Report dealing almost exclusively with the question of the Oath. With regard to nearly the whole of that Report, I had the honour of voting with my right hon. Friend. There were some amendments suggested in the form of that Report; but those amendments practically did not touch its substance, and, as far as the Committee were dealing with the recommendations of my right hon. Friend the Member for the University of Cambridge, the Attorney General, the Solicitor General, and myself throughout

supported those recommendations. But the last sentence of the draft Report of my right hon. Friend was in these words—

“Whether it will exercise its right and jurisdiction with reference to the claim now brought before it”

—which was the claim to swear at this Table—

“is a question which, as your Committee perceive, has not been referred to them, and they, therefore, confine the expression of their opinion to those parts of the case as to which their opinion has been asked by the House.”

What followed upon that? My right hon. Friend proposed emphatically to pronounce that the House had only asked the Committee to report what the House might do with reference to the Oath, but not to report what the House ought to do. Thereupon, three amendments were put before the Committee—one in the name of the right hon. Gentleman the Member for South Lancashire (Sir R. Assheton Cross), another in the name of the right hon. Gentleman the late Attorney General for Ireland (Mr. Gibson), and the third in the name of an hon. Member on this side. In the teeth of the advice that we should not include in our Report any recommendation as to the course the House should pursue, my right hon. Friend the Member for the University of Cambridge was defeated by a majority of 11 to 10. An addition was then made to the Report by a considerable majority to the effect that the proper solution of the difficulty was to allow Mr. Bradlaugh to make an Affirmation. I wish to make it perfectly clear that we were forced into that position by the draft Report of the Chairman being defeated by Members mainly sitting on the other side of the House, whose rejection of the Chairman's advice forced us to make a definite recommendation to the House. The hon. and learned Member for Launceston says that Mr. Bradlaugh ought not to be allowed either to take the Oath or to affirm, “having regard to the proceedings of the two Select Committees.” Now, the first Committee decided by 8 votes to 8, or, as two Members were absent, by 9 to 9, and, taking into account the casting vote of the Chairman, by 10 to 9, that a person in the position of Mr. Bradlaugh ought not to be permitted to

might decide that he was liable to a penalty, and that his seat might be vacated. The question was not whether it was wise to allow an Atheist to take his seat in the House of Commons, but only whether an Atheist who had avowed himself an Atheist could not sit in the House. Persons well known to be Atheists had taken their seats in the House without objection being taken; and he asked, therefore, if there was not something of technicality in the contention that, because a man happened to avow Atheism in the House, he should not be allowed to take his seat?

SIR H. DRUMMOND WOLFF said, the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) had concluded the elaborate peroration of his speech by requesting the House not to adopt the recommendation of the hon. Member for Portsmouth; but the Resolution which he proposed was to the effect that Mr. Bradlaugh ought not to be allowed to take the Oath which he asked to be administered to him, while the Committee recommended that he ought to be prevented from doing so. The right hon. Gentleman the Member for Birmingham accused him (Sir H. Drummond Wolff) of endeavouring to establish an Inquisition, and asked him what he would do if a Positivist or a Comtist presented himself to be sworn. Well, the question was already answered in *Taylor on Evidence*, where the law was stated to be that a man must be assumed to believe in God unless he declared the contrary. No one, indeed, could have challenged Mr. Bradlaugh's right to take the Oath had he himself not raised the question in a public way. The question, however, having been raised, it was, he believed, his duty to challenge Mr. Bradlaugh as he did. The right hon. Gentleman attempted to draw an analogy between the case of the Quakers and the case of Mr. Bradlaugh; but there really was no analogy between those cases whatever. The Quakers were a law-abiding, God-fearing sect, who objected to the Oath on religious grounds, but were not incapacitated from taking it; while the Atheist, it was well-known, was legally debarred from taking an oath in a Court of Justice. From the first he was opposed to the appointment of the Committees, and his action had been justified by the fact that the law-

yers on the first Committee, to whom they might have looked for guidance, voted on strict Party lines, with the exception of the hon. and learned Member for Stockport (Mr. Hopwood), who afterwards justified his claim to be elevated to the Judicial Bench by giving two opinions in different directions on the same case within a fortnight. He thought the Prime Minister had brought the whole embarrassment upon himself, and that the constitution of the second Committee, which was simply a reproduction of the first with a few names added, was not entirely satisfactory to the House. That Committee recommended that the House should collude with Mr. Bradlaugh to get out of the difficulty by referring it to the Courts of Law. But who was to go into a Court of Law? Nobody could be certain that there existed anyone who would bring an action. It was, therefore, a cowardly way of getting out of the difficulty, and the question was one which the House should decide for itself. As decisions of the Courts at Westminster were subject to appeal to the House of Lords, a reference of the question to the Courts of Law would result in this anomaly—that, as it was certain to be pursued to the bitter end, if taken up at all, it would go to the Highest Court of Appeal, and the House of Lords would have to decide upon the right of a Member of the House of Commons to take his seat or not. He had listened to the right hon. Gentleman the Leader of the House with the admiration which he always felt for him; but he would confess that he could not make out what was the drift of his argument. Did the right hon. Gentleman mean by his speech that Mr. Bradlaugh was to be allowed to take the Oath or to make the Affirmation? As the House required some guidance from the right hon. Gentleman who had himself proposed the second Committee, and taken Mr. Bradlaugh entirely under his protection, they ought to know whether he was going to support the recommendations of Committee No. 1, or the recommendation of Committee No. 2 on the Oath, or the rider of the second Committee. He should not have troubled the House with any remarks had it not been for the not very amiable observations which had been addressed to himself by the right hon. Gentleman the Chancellor of the Duchy of Lancaster

(Mr. John Bright). Whatever happened, he hoped the Resolution would be upheld which he himself formerly proposed, and which had been affirmed by the Committee chosen by the right hon. Gentleman at the head of the Government.

MR. CHILDERS: Sir, in the few remarks I am about to make, I can assure you that I shall use no language calculated in the smallest degree to promote any feeling such as has been expressed on some occasions during the last two evenings, but that I shall adhere strictly to the terms of the Motion before the House. The Motion is simply that Mr. Bradlaugh should be allowed to Affirm at this Table, and the Amendment moved by the hon. and learned Member for Launceston (Sir Hardinge Giffard) proposes that Mr. Bradlaugh should not be permitted either to take the Oath or to make the Affirmation. The Amendment is said to be founded on the Reports of the two Select Committees which recently investigated this subject. At first it will, of course, appear to all hon. Members that, considering one of those Select Committees distinctly recommended that Mr. Bradlaugh should be allowed to Affirm, it is difficult to found upon that recommendation the suggestion of the Amendment that he should not be allowed to Affirm. But we have the answer suggested by the other side that the Committee which made the recommendation that Mr. Bradlaugh should be allowed to Affirm went beyond the Reference to them in making that recommendation, and that, therefore, it was not necessary for the House to follow them in that advice. Now, I wish to remind the House precisely of what the Committee did. The Chairman, my right hon. Friend the senior Member for the University of Cambridge (Mr. Walpole), brought up a Report dealing almost exclusively with the question of the Oath. With regard to nearly the whole of that Report, I had the honour of voting with my right hon. Friend. There were some amendments suggested in the form of that Report; but those amendments practically did not touch its substance, and, as far the Committee were dealing with the recommendations of my right hon. Friend the Member for the University of Cambridge, the Attorney General, the Solicitor General, and myself throughout

supported those recommendations. But the last sentence of the draft Report of my right hon. Friend was in these words—

“Whether it will exercise its right and jurisdiction with reference to the claim now brought before it”

—which was the claim to swear at this Table—

“is a question which, as your Committee perceive, has not been referred to them, and they, therefore, confine the expression of their opinion to those parts of the case as to which their opinion has been asked by the House.”

What followed upon that? My right hon. Friend proposed emphatically to pronounce that the House had only asked the Committee to report what the House might do with reference to the Oath, but not to report what the House ought to do. Thereupon, three amendments were put before the Committee—one in the name of the right hon. Gentleman the Member for South Lancashire (Sir R. Assheton Cross), another in the name of the right hon. Gentleman the late Attorney General for Ireland (Mr. Gibson), and the third in the name of an hon. Member on this side. In the teeth of the advice that we should not include in our Report any recommendation as to the course the House should pursue, my right hon. Friend the Member for the University of Cambridge was defeated by a majority of 11 to 10. An addition was then made to the Report by a considerable majority to the effect that the proper solution of the difficulty was to allow Mr. Bradlaugh to make an Affirmation. I wish to make it perfectly clear that we were forced into that position by the draft Report of the Chairman being defeated by Members mainly sitting on the other side of the House, whose rejection of the Chairman's advice forced us to make a definite recommendation to the House. The hon. and learned Member for Launceston says that Mr. Bradlaugh ought not to be allowed either to take the Oath or to affirm, “having regard to the proceedings of the two Select Committees.” Now, the first Committee decided by 8 votes to 8, or, as two Members were absent, by 9 to 9, and, taking into account the casting vote of the Chairman, by 10 to 9, that a person in the position of Mr. Bradlaugh ought not to be permitted to

affirm. But let me point out to the House that, of those nine Members, two were in favour of his being permitted to swear. What is the result of that? Out of the nine Members who reported that he should not be allowed to Affirm, only seven considered that he should not be allowed to swear, and the majority of 11 to 7 were of opinion that he should be permitted to take his seat, the sole difference among the 11 being whether he should be admitted after taking the Oath or after making an Affirmation. So far therefore, as the first Committee is concerned, the statement in the Amendment is entirely opposed to the facts of the case, because the large majority of the Committee were of opinion that he ought to take his seat, though they were not agreed as to the process by which he was to do so. In the second Committee, the question whether or not Mr. Bradlaugh should take the Oath was distinctly put; and when we heard it said to-day that my right hon. Friend the First Minister had not followed his own Attorney General, the late Solicitor General must allow me to remind him that he, on his part, did not follow his Attorney General. There were, therefore, five Members who would have allowed Mr. Bradlaugh to take his seat after taking the Oath, and eight others who would have admitted him after an Affirmation. Therefore, in the second Committee the position was this—that 13 Members to 9 were in favour of his taking his seat, though they were not agreed as to whether he should Affirm or take an Oath. That is strictly the result of the proceedings of the Committee, both of which would have allowed him to take his seat, though they were not agreed as to the Oath or the Affirmation. This, I think, is a material point, and it would not look well for the House to record on its votes that, in consequence of the proceedings of two Committees, Mr. Bradlaugh was allowed neither to make an Affirmation nor to take the Oath. There is one other matter to which I should like to call attention. I wish to point out to the House that, if they will refer to the proceedings on the Jewish Oath Commission, they will find it assumed in those remarkable debates that when the words “on the true faith of a Christian” are omitted there is nothing to prevent a man of any faith, or of no faith at all, from entering the House. I am only

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referring to what is on record. I have looked very carefully through those debates, and will give the House instances which may have some little weight with them. One very eminent noble Lord said that the result of admitting Jews to Parliament would reduce the House to the level of a mere secular Assembly; and, again, in the House of Lords, Bishop Wilberforce said that the principle laid down by the Bill admitted to Parliament those who denied the existence of God. I cannot find that any Member of the House of Lords repudiated that sentiment. I come to Members of this House, and I find that the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate) said that the result of the measure would be that we should be passing laws that had the sanction of no religion whatever. What could have been meant except that all persons who object to the Oath would clearly be able to take their seats? Does the junior hon. Member for Cambridge deny that such is the purport of the clauses in the Religious Oaths Amendment Act of the year 1857? He was very anxious, when we were emancipating the Jews, that some change should be made in the form of the Roman Catholic Oath, and he will remember that he voted in the small minority in favour of that change. He said at the time that unless that was done, it would be necessary to inscribe over the door of the House of Commons the legend upon the gates of Bandon—

“Jew, Turk, or Atheist
“May enter here, but ne’er a Papist.”

Therefore, it was well understood when that Bill passed that persons of every religion, or of no religion, would for the future be allowed to sit in this House; and I cannot find that to those who took that objection to the Bill there was one single word of reply that their fears were not well-founded. I listened with great interest, as I always do when he speaks, to the speech of the hon. and learned Member for Meath (Mr. A. M. Sullivan), who spoke with such eloquence to-night. When, in almost the beginning of his speech, he said “he felt compelled by all he had held dear in this world and the next to object to this proposal,” I was under the impression that throughout his speech he would remain on the same height of principle, and that the oppo-

sition which he directed against the Resolution would be maintained in the same spirit as he began. But what did the hon. Member say later on? He said—"You admitted Roman Catholics because they were numerous and pressing; you admitted the Jews because they were numerous and influential, and for years they pressed for admission; and when the Atheists are as numerous as the Jews, you will have to admit them."

MR. A. M. SULLIVAN: What I said was, that then the House would have to consider their case.

MR. CHILDERS: We know what that means. We were to wait, then, to carry out this great matter of principle until the Atheists were as numerous as the Jews, and came knocking at our doors. I say, on the other hand, the way to prevent Atheists from making head in this country, the way to prevent Mr. Bradlaugh and his friends from becoming martyrs, the way to prevent that circulation of their works which the question of his entrance into this House within the last few days has produced, is to do justice. That is a principle which for the last 50 years has been well understood. If you want to put down Atheists, do not make Atheists martyrs. Let not Atheists be told by your vote to-night to increase and multiply; but let them in at once. I undertake to say that Mr. Bradlaugh's influence will not be a tithe of what it is when he sits inside the House, instead of, as at present, hovering round its portals.

MR. DALY said, he had no intention of taking part in the debate; but, as an Irish Roman Catholic, he could not remain silent after the concluding sentences of the last speaker. He was fully in accord with the hon. and learned Member for Meath (Mr. A. M. Sullivan) when he said it was an insult to the Roman Catholics of the United Kingdom, notwithstanding their struggles for years and their services to the country in every grade, to be compared with this isolated Atheist. As an Irishman and a Catholic he shrank from contact with Mr. Bradlaugh and his sort. He was one of those who, not belonging to the religion of the majority of that House, listened with reverence to the prayer offered up at the opening of their proceedings by a clergyman not of his own creed; and he asked would it not be a mockery,

if persons like Mr. Bradlaugh should be admitted to the House—that, for the purpose of securing their seats, they should attend while that prayer was offered up? He had for years been accustomed to hold the sentiments of the Chancellor of the Duchy of Lancaster not only in respect, but in veneration; but when he heard the right hon. Gentleman state that there were men in that House who came to the Table and took the Oath as a pure formality, he confessed he could not share that opinion. The right hon. Gentleman who had last spoken concluded by asking the House not to make a martyr of Mr. Bradlaugh, and said that the disfranchisement of Mr. Bradlaugh would have a contrary effect from what was intended. He, however, was one of those who held that if the majority of the House decided as the right hon. Gentleman recommended, the unthinking portion of the people would conclude that they had endorsed the Atheism of Mr. Bradlaugh.

SIR STAFFORD NORTHCOTE: I am unwilling, Sir, to stand in the way of any Members who might desire to address the House; but it may be well to consider the position in which we stand, now that we are about to go to a division. It is not, I think, to be wondered at, if hon. Members should wish to express their views, not merely on the technical points which have been raised, but also on collateral questions of very deep and grave interest; and it should hardly be matter of surprise, still less of rebuke, if Members, in the course of the discussion, should have travelled somewhat beyond the technical points of the question, and expressed their opinion on the religious, social, and political bearings of this great question. But when we come to the Vote, I think it is of importance that we should endeavour to clear our minds as well as we can; and I ask the House to consider for a moment the particular proposal on which they are about to pronounce an opinion. We are called upon by the hon. Member for Northampton to agree to a proposal, that Mr. Bradlaugh be admitted to make an Affirmation instead of taking the Oath required by law. Now, I wish, in the first place, to say, in regard to that Motion, it seems to me to be made at the wrong time, and a little too late. What has

been the course which the House has followed in this matter? We have had several occasions on which such a Motion as the hon. Member now asks us to affirm might have been considered to come at a proper time. At the beginning of these transactions, the other Member for Northampton came to the Table and expressed a wish to Affirm. You, Sir, expressed a doubt as to the propriety of allowing him to do so, and a doubt as to the correctness of the claim he advanced. You referred the matter to the House. It would have been possible, and, I should say, in Order, if any Member of the House had come forward and made a Motion to the effect that the hon. Member should make an Affirmation; and if the views which the Prime Minister has propounded were sound, that would have been the correct and proper course to be taken, and on which the judgment of the House might have been asked. That course was not taken, because the Representatives of the Government, acting upon the instructions of its leading Members, who had not then taken their seats, proposed that, instead of deciding at once either that he could or could not affirm, the question should be referred to a Committee. A Committee was appointed, and with my own assent, and with the assent of many who sit on this side of the House, though with some demur on the part of others on account of the great haste with which the proceedings were commenced. That Committee was appointed for the express purpose of considering and examining the matter. The question was one of a legal character, as to the construction of certain statutes to which the hon. Member for Northampton appealed; and the Committee, by a narrow majority indeed, but still by a majority, after a very brief consultation, decided that it was not competent for Mr. Bradlaugh to affirm. When that Report was made, it was still within the power of this House to have expressed its dissent from the conclusion of the Committee; and it would have been perfectly competent for the sitting Member for Northampton, or the Government, or any Member of the House, to have given Notice that, instead of acquiescing in this Report, the House should proceed in conformity with the views of the minority of the Committee, and declare that Mr. Bradlaugh be permitted to affirm. But that course was

not taken; and Mr. Bradlaugh, after hearing the conclusion which had been arrived at, instead of protesting against the decision of the Committee, instead of coming forward, through a friend or in person, and asking to be allowed to affirm, came forward and proposed to take the Oath as if nothing had happened. Sir, the sense of the House revolted against that proceeding, and, I think, rightly revolted. It was perfectly competent for the House—I said so at the time, and I think it would have been the right course for the House to take upon that occasion—to have declared that it was not right to allow Mr. Bradlaugh to take the Oath as a mere matter of form. But, on that point, what was the course taken by the Government? Having desired that a Committee should be appointed, having awaited the decision of that Committee, having taken no step when that decision was laid before them, the object and the view which the right hon. Gentleman himself told us he had at the time when Mr. Bradlaugh presented himself was to allow the proceeding to go on—to allow Mr. Bradlaugh to take the Oath and to say nothing while the mockery was taking place. That course would have been very unsatisfactory; but when it was rendered impossible by the action of my hon. Friend the Member for Portsmouth, who interposed to prevent, what I think the whole House or the majority of the House must have felt would have been something in the nature of a scandal, or, at all events, what would have been exceedingly painful to a very large number of persons in this House and elsewhere—when my hon. Friend interfered to prevent that taken place, what course was taken? No Amendment was moved that Mr. Bradlaugh should be allowed to affirm. But, first of all, a Question of Order was raised as to whether it was competent for anyone to interfere between a Member who wished to take the Oath. You, Sir, ruled that it was so. A Committee was then appointed to inquire into the case, and that, contrary to the views of some of us who sit upon this side of the House. That Committee entered into the question and decided that the course desired by Mr. Bradlaugh was one which he could not follow. That was a full answer to the question which had been referred to it. But the Committee went on and volunteered to advise what

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should be done, and their advice was that the opinion of the former Committee should be set aside. I want to point out that, all through these transactions, there has been apparently a desire to contrive in some way or other the admission of Mr. Bradlaugh to the House, and that the steps which have been taken to secure that admission have not been, up to this point, of a direct nature, declaring that he ought to be admitted, but that they have been steps in the nature of evasions of the difficulty placed before us. We have never had the courage to face that difficulty, and I do not think we have mended our position by the course which has been adopted. And now, Sir, at the last moment the sitting Member for Northampton comes forward with a Motion, which brings us back to the point at which we were at the beginning of the transaction, and that in a way which is, to my mind, very unsatisfactory and inconvenient. We cannot dissociate—although the hon. Member says nothing of it in his Resolution—his recommendation from the recommendation of the second Committee which considered the subject. While we only see on the face of the Motion a proposal that Mr. Bradlaugh should be allowed to Affirm, we cannot avoid seeing that the hon. Member takes this step in connection with the recommendation of the second Committee, which is not a recommendation pure and simple that he should be allowed to affirm, but that he should be allowed to affirm in order that the responsibility and the difficulty we do not like ourselves to face may be shifted to another body—that is, to a Court of Law. Therefore, Sir, I say that the difficult point at which the hon. Member has arrived is rendered more difficult by his asking us to take a step, which he does not say will be a right and proper one, but rather one which will enable us to obtain the decision of a Court of Law. But I am bound to say that the position of the hon. Gentleman is still further weakened by what has taken place this evening. I think that the language and arguments of the Prime Minister, and the views which he has put forward, weaken still further the position of the hon. Gentleman, because the Prime Minister's argument was one rather against the conclusions of the second Committee than against that of the first,

and pointed to this—that Mr. Bradlaugh ought to have been allowed to come up and take the Oath rather than that he should be allowed to Affirm. The case, I feel, is one which it is impossible for me to attempt to discuss with any advantage, after what we have heard in the course of the debate. Nothing I could say could be at all equal in authority to the argument of my right hon. and learned Friend the Member for the University of Dublin. My right hon. and learned Friend's argument extended over the whole case, and proved, I think, to the satisfaction of the great bulk of those who heard him, that the position which is now proposed be taken is one which is quite untenable. If we adopt the view of the Prime Minister, we are to sit by and consider the House a mere machine. We are to abdicate our functions and exercise no kind of jurisdiction in the matter of the taking of the Oath. I think it is impossible that we can accept that doctrine. It is impossible for us to agree to sit by merely that we should have the question decided by a Court of Law. My hon. and learned Friend the late Solicitor General pointed out how difficult it would be to get a fair and real decision by a Court of Law on the matter. I will not, however, enter into that question; but what I contend is, that we should be abdicating our functions and lowering the character of the House if we accepted the doctrine that when we have a matter of this sort before us, and have so far entertained it as to appoint two Committees to consider it, and have discussed it in two nights' debate, we are still to turn it over to the decision of a Court of Law. If it becomes to be believed in the country that we are not only doing this because it is a question of difficulty, but also because we are anxious to find some way—round the corner, as it were—for the purpose of introducing to this House a Gentleman whose opinions are such as have been so often described, the effect will be disastrous to our character; and when we are told that we ought to take this course in order to avoid the difficulties and dangers which might possibly await us, then I say, on the other hand, there is no sort of danger greater than for this House to show itself so cowardly as it would appear by the adoption of such a course of evasion. I

do not believe there will be any danger of collision between this House and the Courts of Law. That is a bugbear which I feel we may set aside. But with regard to any possible collision with the constituency, I do not think we can avoid it by any course which we may adopt. I was struck by one of the observations in the speech of the hon. and learned Member for Southwark. I understood him to say, if you refer this matter to the Courts of Law, one of two things must happen—either the Courts will affirm that Mr. Bradlaugh is properly seated and has taken the Affirmation which he ought to have taken, or else the Court will decide that he is not properly seated, and, in that case, he will go back to his constituents. He may again be returned to this House; he may come to the Table for the purpose of taking the Oath, “and then,” said the hon. and learned Member, “I should like to see the legal authority who would stand in the way of his doing so.” The advice of the hon. and learned Member is, go to the Courts of Law; whether they decide that the statute means that he can Affirm or that he cannot the ultimate conclusion is certain—by one step or the other, Mr. Bradlaugh will obtain his seat in the House of Commons. And then, I think, he should have wound up with something like the conclusion of a problem in Euclid, and added, “which was to be done.” Now, Sir, I do not want to import into this debate any matter of acrimonious controversy; but I do express my opinion that the course which the House has taken has been on more than one point a doubtful course, and not such as I should have recommended. I regret that we have had two Committees, and believe that the second might have been dispensed with; but I think we owe it to ourselves not altogether to repudiate our own actions. As we have appointed these two Committees, let us, at all events, consider and judge of their recommendations. With regard to the opinion of the first Committee, I accept its decision partly on the ground of authority and because it is that which the Committee have agreed upon, and partly because it seems to me to be a decision founded upon a reasonable interpretation of the statutes. Looking at the intention with which these statutes were passed, it seems to me that the relief intended

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to be given was to apply to the case of persons who ought to give evidence before Courts of Law, who might desire to escape giving evidence, and who, in the opinion of the Judge, ought to be allowed or called on to affirm instead of taking an oath that would not be binding upon them, so that their evidence might not be lost. But, in the present case, no such considerations apply; while, on the other hand, the permission to Affirm is not claimed on the ground on which it is given to certain religious bodies. It is clearly not giving relief to conscientious scruples, because Mr. Bradlaugh has no such scruple about taking the Oath. The present is not like the case of a member of the Society of Friends or Moravians, who might, in a moment of weakness, have taken the Oath, and then would have felt he had committed a sin in doing so. There would be no relief in a case like the present, because, if the hon. Gentleman took the Oath, his conscience would be quite at ease. With regard to the second Committee, I look with respect upon its decision, so far as it relates to the particular point referred to it. But when it goes beyond that, and volunteers to make recommendations as to the course which we should pursue, I claim for myself and for this House the right to judge whether the course so recommended is one which is consistent with the position and duty of this House, and with the position which it holds in the eyes of the people. I say it is not; and I ask the House to join in rejecting the Motion of the hon. Member for Northampton, upon the ground that it involves a departure from the position which this House is bound to take, and which, I believe, the country is expecting that we should take.

MR. THOROLD ROGERS was understood to support the Motion; but his speech was inaudible in the Gallery, owing to the confusion which prevailed in the House.

Question put.

The House *divided*:—Ayes 230; Noes 275: Majority 45.

AYES.

Acland, Sir T. D.	Armitstead, G.
Adam, rt. hon. W. P.	Arnold, A.
Agnew, W.	Balfour, Sir G.
Ainsworth, D.	Balfour, J. S.
Amory, Sir J. H.	Barclay, J. W.

Baring, Viscount
 Barnes, A.
 Barran, J.
 Barry, J.
 Bass, A.
 Baxter, rt. hon. W. E.
 Beaumont, W. B.
 Bective, Earl of
 Biddulph, M.
 Biggar, J. G.
 Bolton, J. C.
 Brand, H. R.
 Brassey, T.
 Brett, R. B.
 Briggs, W. E.
 Bright, J. (Manchester)
 Bright, rt. hon. J.
 Brinton, J.
 Broadhurst, H.
 Brogden, A.
 Brown, A. H.
 Bruce, rt. hon. Lord C.
 Bruce, hon. R. P.
 Bryce, J.
 Burt, T.
 Butt, C. P.
 Buxton, F. W.
 Cameron, C.
 Campbell, Sir G.
 Campbell, R. F. F.
 Campbell-Bannerman,
 H.
 Carington, hon. Col. W.
 H. P.
 Causton, R. K.
 Cavendish, Lord E.
 Cavendish, Lord F. C.
 Chamberlain, rt. hn. J.
 Cheetham, J. F.
 Childers, rt. hn. H. C. E.
 Chitty, J. W.
 Clifford, C. C.
 Cohen, A.
 Collings, J.
 Colman, J. J.
 Commins, A.
 Cotes, C. C.
 Courtney, L. H.
 Cowan, J.
 Cowper, hon. H. F.
 Croyke, R.
 Cross, J. K.
 Cunliffe, Sir R. A.
 Davey, H.
 Davies, D.
 Davies, R.
 Davies, W.
 Dilke, A. W.
 Dilke, Sir C. W.
 Dillwyn, L. L.
 Dodda, J.
 Dodson, rt. hon. J. G.
 Duff, rt. hon. M. E. G.
 Dundas, hon. J. C.
 Earp, T.
 Egerton, Adm. hon. F.
 Elliot, hon. A. R. D.
 Fairbairn, Sir A.
 Farquharson, Dr. R.
 Fawcett, rt. hon. H.
 Fay, C. J.
 Ffolkes, Sir W. H. B.
 Finigan, J. L.

Firth, J. F. B.
 Flower, C.
 Foljambe, C. G. S.
 Foljambe, F. J. S.
 Forster, Sir C.
 Forster, rt. hon. W. E.
 Fort, R.
 Fowler, W.
 Fry, L.
 Fry, T.
 Gladstone, rt. hn. W. E.
 Gladstone, H. J.
 Gladstone, W. H.
 Gourley, E. T.
 Gower, hon. E. F. L.
 Grant, A.
 Grant, D.
 Grey, A. H. G.
 Grosvenor, Lord R.
 Gurdon, R. T.
 Harcourt, rt. hon. Sir
 W. G. V. V.
 Hardcastle, J. A.
 Hartington, Marq. of
 Hastings, G. W.
 Havelock-Allan, Sir H.
 Hayter, Sir A. D.
 Henderson, F.
 Herschell, Sir F.
 Hibbert, J. T.
 Hill, T. R.
 Hollond, J. R.
 Holms, J.
 Hopwood, C. H.
 Howard, E. S.
 Howard, J.
 Hutchinson, J. D.
 Illingworth, A.
 Inderwick, F. A.
 Ingram, W. J.
 Jackson, Sir H. M.
 James, C.
 James, Sir H.
 James, W. H.
 Johnson, E.
 Johnson, W. M.
 Johnstone, Sir H.
 Kensington, Lord
 Laing, S.
 Lambton, hon. F. W.
 Law, rt. hon. H.
 Lawley, hon. B.
 Lawson, Sir W.
 Laycock, R.
 Leake, R.
 Leatham, E. A.
 Leatham, W.
 Lee, H.
 Lefevre, G. J. S.
 Lubbock, Sir J.
 Macdonald, A.
 Mackie, R. B.
 MacIver, P. S.
 M'Laren, D.
 M'Minnica, J. G.
 Magniac, C.
 Maitland, W. F.
 Mappin, F. T.
 Marjoribanks, Sir D. C.
 Marriott, W. T.
 Mason, H.
 Massey, rt. hon. W. N.
 Mellor, J. W.

Milbank, F. A.
 Moreton, Lord
 Morgan, rt. hon. G. O.
 Morley, A.
 Mundella, rt. hon. A. J.
 Nolan, Major J. P.
 O'Connor, T. P.
 O'Gorman Mahon, Col.
 The
 O'Kelly, J.
 Paget, T. T.
 Palmer, C. M.
 Palmer, G.
 Parnell, C. S.
 Peddie, J. D.
 Peel, A. W.
 Pennington, F.
 Philips, R. N.
 Playfair, rt. hon. L.
 Portman, hn. W. H. B.
 Potter, T. B.
 Powell, W. R. H.
 Price, Sir R. G.
 Pulley, J.
 Ramsay, Lord
 Ramsden, Sir J.
 Reed, E. J.
 Reid, R. T.
 Rendel, S.
 Richard, H.
 Roberts, J.
 Robertson, H.
 Rogers, J. E. T.
 Rothschild, Sir N. M. de
 Roundell, C. S.
 Russell, G. W. E.
 Russell, Lord A.
 Rylands, P.
 St. Aubyn, Sir J.
 Samuelson, B.
 Samuelson, H.
 Seely, C. (Lincoln)

Seely, C. (Nottingham)
 Sheridan, H. B.
 Shield, H.
 Simon, Serjeant J.
 Slagg, J.
 Smith, E.
 Spencer, hon. C. R.
 Stanley, hon. E. L.
 Story-Maskelyne, M. H.
 Strutt, hon. H.
 Summers, W.
 Taylor, P. A.
 Tennant, C.
 Thomasson, J. P.
 Thompson, Sir H. M.
 Tillet, J. H.
 Tracy, hon. F. S. A.
 Hanbury-
 Trevelyan, G. O.
 Villiers, rt. hon. C. P.
 Walter, J.
 Webster, Dr. J.
 Wedderburn, Sir D.
 Whalley, G. H.
 Whitbread, S.
 Williams, B. T.
 Williams, S. C. E.
 Williams, W.
 Williamson, S.
 Willis, W.
 Willyams, E. W. B.
 Wilson, I.
 Wilson, Sir M.
 Wodehouse, E. R.
 Woodall, W.
 Woolff, S.
 Wyndham, hon. P.

TELLERS.

Labouchere, H.
 M'Laren, C. B. B.

NOES.

Agar-Robartes, hn. T. C.
 Alexander, Colonel
 Allen, H. G.
 Amherst, W. A. T.
 Archdale, W. H.
 Ashmead-Bartlett, E.
 Aylmer, J. E. F.
 Bailey, Sir J. R.
 Baring, T. C.
 Barne, F. St. J. N.
 Barttelot, Sir W. B.
 Bass, H.
 Beach, rt. hon. Sir M. H.
 Beach, W. W. B.
 Bellingham, A. H.
 Bentinck, rt. hon. G. C.
 Bentinck, G. W. P.
 Beresford, G. de la P.
 Birkbeck, E.
 Birley, H.
 Blackburne, Col. J. I.
 Blake, J. A.
 Boord, T. W.
 Brise, S. R.
 Broadley, W. H. H.
 Brodrick, hon. W. St.
 J. F.
 Brooke, Lord
 Brooks, M.
 Brooks, W. C.
 Bruce, Sir H. H.
 Brymer, W. E.
 Burnaby, Colonel E. S.
 Burrell, Sir W. W.
 Buxton, Sir R. J.
 Cameron, D.
 Campbell, J. A.
 Carden, Sir R. W.
 Carington, hon. R.
 Castlereagh, Viscount
 Cecil, Lord E. H. B. G.
 Chaplin, H.
 Christie, W. L.
 Churchill, Lord R.
 Clive, Col. hon. G. W.
 Close, M. C.
 Cobbold, T. C.
 Coddington, W.
 Cole, Viscount
 Colebrooke, Sir T. E.
 Colthurst, Col. D. la T.
 Compton, F.
 Coope, O. E.
 Corbet, W. J.
 Corbett, J.
 Corry, J. P.

Cotton, W. J. R.
 Crompton-Roberts, C.
 Cross, rt. hon. Sir R. A.
 Cubitt, rt. hon. G.
 Daly, J.
 Dawnay, Col. hon. L. P.
 Dawson, C.
 De Worma, Baron H.
 Dickson, Major A. G.
 Digby, Col. hon. E.
 Donaldson-Hudson, C.
 Douglas, A. Akers-
 Duckham, T.
 Duff, R. W.
 Dyott, Colonel R.
 Egerton, Sir P. G.
 Egerton, hon. W.
 Elcho, Lord
 Elliot, G. W.
 Emlyn, Viscount
 Errington, G.
 Estcourt, G. S.
 Ewart, W.
 Ewing, A. O.
 Feilden, Maj.-Gen. R. J.
 Fellowes, W. H.
 Fenwick-Bisset, M.
 Filmer, Sir E.
 Finch, G. H.
 Findlater, W.
 Fitzpatrick, hn. B. E. B.
 Fletcher, Sir H.
 Floyer, J.
 Foley, J. W.
 Folkestone, Viscount
 Forester, C. T. W.
 Foster, W. H.
 Fowler, R. N.
 Fremantle, hon. T. F.
 Galway, Viscount
 Garfit, T.
 Gardner, R. Richard-
 son-
 Garnier, J. C.
 Gibson, rt. hon. E.
 Giffard, Sir H. S.
 Gill, H. J.
 Goldney, Sir G.
 Gordon, Lord D.
 Gore-Langton, W. S.
 Gorst, J. E.
 Grafton, F. W.
 Grantham, W.
 Greer, T.
 Gregory, G. B.
 Guest, M. J.
 Hall, A. W.
 Halsey, T. F.
 Hamilton, I. T.
 Hamilton, right hon.
 Lord G.
 Hamilton, J. G. C.
 Harcourt, E. W.
 Harvey, Sir R. B.
 Helmsley, Viscount
 Heneage, E.
 Herbert, hon. S.
 Hermon, E.
 Hicks, E.
 Hildyard, T. B. T.
 Hill, Lord A. W.
 Hinchingsbrook, Visc.
 Holker, Sir J.

Holland, Sir H. T.
 Hope, rt. hn. A. J. B. B.
 Hubbard, rt. hon. J.
 Hughes, W. B.
 Jackson, W. L.
 Jenkins, D. J.
 Johnstone, Sir F.
 Kennard, Col. E. H.
 Kennaway, Sir J. H.
 Knight, F. W.
 Knightley, Sir R.
 Lacon, Sir E. H. K.
 Lalor, R.
 Lawrance, J. C.
 Lawrence, Sir T.
 Lea, T.
 Leamy, E.
 Lechmere, Sir E. A. H.
 Lee, Major V.
 Leeman, J. J.
 Legh, W. J.
 Leigh, R.
 Leighton, Sir B.
 Leighton, S.
 Lennox, Lord H. G.
 Lever, J. O.
 Lewis, C. E.
 Lewisham, Viscount
 Lindsay, Col. R. L.
 Litton, E. F.
 Loder, R.
 Long, W. H.
 Lopes, Sir M.
 Lowther, hon. W.
 Lyons, R. D.
 Macartney, J. W. E.
 Mac Iver, D.
 Mackintosh, C. F.
 Macnaghten, E.
 McCarthy, J.
 McCoan, J. C.
 M'Garel-Hogg, Sir J.
 M'Lagan, P.
 Makins, Colonel W. T.
 Manners, rt. hn. Lord J.
 Martin, P.
 Marum, E. M.
 Master, T. W. C.
 Maxwell, Sir H. E.
 Maxwell, J. H. M.
 Meldon, C. H.
 Miles, Sir P. J. W.
 Mills, Sir C. H.
 Molloy, B. C.
 Monckton, F.
 Monk, C. J.
 Moore, A.
 Morgan, hon. F.
 Morley, S.
 Moss, R.
 Mowbray, rt. hn. Sir J. R.
 Murray, C. J.
 Musgrave, Sir R. C.
 Newdegate, C. N.
 Newport, Viscount
 Nicholson, W.
 Nicholson, W. N.
 Noel, E.
 Noel, rt. hon. G. J.
 North, Colonel J. S.
 Northcote, H. S.
 Northcote, rt. hon. Sir
 S. H.

O'Beirne, Major F.
 O'Connor, A.
 O'Donnell, F. H.
 O'Donoghue, The
 Onslow, D.
 O'Shea, W. H.
 O'Sullivan, W. H.
 Paget, R. H.
 Palliser, Sir W.
 Peek, Sir H.
 Pell, A.
 Pemberton, E. L.
 Pender, J.
 Percy, Earl
 Phipps, C. N. P.
 Plunket, hon. D. R.
 Powell, W.
 Power, R.
 Puleston, J. H.
 Ramsay, J.
 Rankin, J.
 Redmond, W. A.
 Reed, Sir C.
 Rendlesham, Lord
 Repton, G. W.
 Richardson, J. N.
 Ridley, Sir M. W.
 Rodwell, B. B. H.
 Rolls, J. A.
 Ross, A. H.
 Round, J.
 Russell, Sir C.
 St. Aubyn, W. M.
 Sandon, Viscount
 Schreiber, C.
 Sclater-Booth, rt. hn. G.
 Scott, Lord H.
 Scott, M. D.
 Selwin - Ibbetson, Sir
 H. J.
 Severne, J. E.

Smith, A.
 Smith, rt. hon. W. H.
 Smithwick, J. F.
 Stafford, Marquess of
 Stanhope, hon. E.
 Stanley, rt. hn. Col. F.
 Stewart, M. J.
 Storer, G.
 Stuart, H. V.
 Sullivan, A. M.
 Sullivan, T.
 Sykes, C.
 Synan, E. J.
 Talbot, J. G.
 Taylor, rt. hn. Col. T. E.
 Thomson, H.
 Thornhill, T.
 Thynne, Lord H. F.
 Tollemache, hon. W. F.
 Tottenham, A. L.
 Tyler, Sir H. W.
 Vivian, A. P.
 Vivian, H. H.
 Wallace, Sir R.
 Walpole, rt. hon. S.
 Walrond, Col. W. H.
 Warburton, P. E.
 Warton, C. N.
 Watney, J.
 Waugh, E.
 Whitley, E.
 Williams, O. L. C.
 Wilmot, Sir J. E.
 Wolff, Sir H. D.
 Wortley, C. B. Stuart-
 Wroughton, P.
 Yorke, J. R.

TELLERS.

Crichton, Viscount
 Winn, R.

Words added.

Main Question, as amended, put.

Resolved, That, having regard to the Reports and proceedings of two Select Committees appointed by this House, Mr. Bradlaugh be not permitted to take the Oath or make the Affirmation mentioned in the Statute 29 Vic. c. 19, and the 31 and 32 Vic. c. 72.

ISLE OF MAN (LOANS) BILL.

On Motion of Lord FREDERICK CAVENDISH, Bill to provide for the raising of Loans on behalf of the Isle of Man, *ordered* to be brought in by Lord FREDERICK CAVENDISH and Mr. JOHN HOLMS.

Bill *presented*, and read the first time. [Bill 241.]

TAXES MANAGEMENT BILL.

On Motion of Lord FREDERICK CAVENDISH, Bill to consolidate enactments relating to certain Taxes and Duties under the management of the Board of Inland Revenue, *ordered* to be brought in by Lord FREDERICK CAVENDISH and Mr. JOHN HOLMS.

Bill *presented*, and read the first time. [Bill 242.]

LOCAL GOVERNMENT PROVISIONAL ORDER
(POOR LAW) (NO. 2) BILL.

On Motion of Mr. HIBBERT, Bill to confirm an Order of the Local Government Board under the provisions of "The Divided Parishes and Poor Law Amendment Act, 1876," as amended and extended by "The Poor Law Act, 1879," relating to the parishes of Bowers Gifford, Hadleigh, Laindon, Leigh, North Benfleet, Pitsea, Prittlewell, South Benfleet, Southchurch, and Vange, ordered to be brought in by Mr. HIBBERT and Mr. DONSON.

Bill presented, and read the first time. [Bill 243.]

RELIEF OF DISTRESS (IRELAND) BILL.

On Motion of Mr. PARNELL, Bill to relieve the Distress in Ireland, ordered to be brought in by Mr. PARNELL and Mr. O'KELLY.

Bill presented, and read the first time. [Bill 244.]

House adjourned at a quarter
before One o'clock.

HOUSE OF COMMONS,

Wednesday, 23rd June, 1880.

MINUTES.]—NEW WRIT ISSUED—For Gravesend, *v.* Thomas Bevan, esquire, void Election. SELECT COMMITTEE—Contagious Diseases Acts (1866-9), appointed.

PRIVATE BILL (by Order)—Considered as amended—Liverpool Corporation (Loans, &c.) *.

PUBLIC BILLS—Second Reading—Middlesex Land Registry [142], debate adjourned; County Bridges * [226].

Second Reading—Referred to Select Committee—Bankruptcy Law Amendment * [192].

Select Committee—Fraudulent Debtors (Scotland) * [185], Colonel Alexander and Mr. Webster added.

Report—Births and Deaths Registration (Ireland) * [166-245].

Committee—Report—Consolidated Fund (No. 1) *. Considered as amended—Local Government Provisional Order (Poor Law) * [121].

Third Reading—General Police and Improvement (Scotland) Provisional Order (Broughty Ferry) * [83]; Judicial Factors (Scotland) * [162], and passed.

Withdrawn—Local Inquiries (Ireland) [132]; Sligo Borough * [186].

PARLIAMENTARY OATH (MR.
BRADLAUGH).

MR. BRADLAUGH, one of the Members for Northampton, having come to the Table, claiming to take the Oath required by Law, the Clerk explained to

him, that after the recent Resolution of the House, he was not authorised to tender him the Oath; and Mr. Bradlaugh having replied that he had no formal knowledge of the said Resolution, the Clerk reported the matter to the Speaker.

Sir *Erskine May*, addressing Mr. Speaker said: Mr. Bradlaugh claims the right to take the Oath.

MR. SPEAKER: I have to inform the hon. Member that the House at its last Sitting came to the following Resolution:—

"That, having regard to the Reports and proceedings of two Select Committees appointed by this House, Mr. Bradlaugh be not permitted to take the Oath or make the Affirmation mentioned in the Statute 29 Vic. c. 19, and the 31 and 32 Vic. c. 72."

In pursuance of that Resolution I must call upon the hon. Member to withdraw.

MR. BRADLAUGH: Before withdrawing, Sir, I would ask through you—[*Cries of "Order!" "Withdraw!"*]
—before withdrawing, Sir, I would ask through you—[*Renewed interruption.*]
—before withdrawing, Sir, I would ask through you if this House, faithful to its old traditions, will hear me before putting that Resolution in force? There is no precedent for it.

MR. SPEAKER: I understood the hon. Member to desire to be heard upon the matter now under the consideration of the House. That is a question for the judgment of the House, and I must call upon the hon. Member to withdraw in order that the House may consider it.

MR. BRADLAUGH: I withdraw, Sir, while it is considered.

MR. BRADLAUGH withdrew.

MR. LABOUCHERE: I beg to move that Mr. Bradlaugh be now heard.

MR. SPEAKER: Does any hon. Member second the Motion?

MR. ASHTON DILKE: I will second the Motion.

Motion made, and Question proposed,
"That Mr. Bradlaugh be now heard."
—(*Mr. Labouchere.*)

MR. SPENCER WALPOLE: There is an ambiguity in the Motion which has just been made by the hon. Member for Northampton (Mr. Labouchere) which I think ought to be cleared up before we come to any decision upon the point. The ambiguity is this. In the

Motion made by the hon. Member for Northampton he asks generally that Mr. Bradlaugh should be now heard. I think, Sir, that that Motion ought not to be put in that form. It ought to be put in the form that was adopted in the case of Mr. Daniel O'Connell, "That Mr. Bradlaugh be now heard at the Bar of the House."

Mr. SPEAKER: The Question is that Mr. Bradlaugh be now heard; and it is open to the House to declare its pleasure that he should be heard at the Bar.

Mr. LABOUCHERE: I am quite willing to alter the Motion I have made, and to substitute for it a Motion, "That Mr. Bradlaugh be now heard at the Bar of the House."

Mr. SPEAKER: Does the hon. Member for Northampton ask the leave of the House to withdraw his Motion in order to substitute the words he has mentioned?

Mr. LABOUCHERE: Yes.

Question proposed, "That the Motion, by leave of the House, be withdrawn," *agreed to*.

Mr. LABOUCHERE: I beg to move, "That Mr. Bradlaugh be now heard at the Bar of the House."

Question put.

SIR R. ASSHETON CROSS: I think, that before we proceed further, the Government ought to give us some advice.

Question again put, and *agreed to*.

Resolved, That Mr. Bradlaugh be now heard at the Bar of the House.

Mr. BRADLAUGH was then called in and came to the Bar of the House.

Mr. BRADLAUGH: Mr. Speaker: Sir, I have to ask the indulgence of every Member of this House, while, in a position unexampled in the history of this House, I try to give one or two reasons why the Resolution which you have read to me should not be enforced. If it were not unbecoming I should appeal to the traditions of the House against the House itself, and I should point out that in none of its Records, so far as my poor reading goes, is there any case in which this House has judged one of its Members in his absence, and taken away from that Member the Constitutional right which he undoubtedly

has. There have been Members against whom absolute legal disqualification has been urged. No such legal disqualification is ventured to be urged by any Member of this House against myself. But even those Members have been heard in their places; those Members have been listened to before the decision was taken against them; and I ask that the House to myself shall not be less just than it has always been to every one of its Members. Do you tell me I am unfit to sit among you? The more reason, then, that this House should show that generosity which Judges show to a criminal, and allow every word he has to say to be heard. But I stand here, Sir, as no criminal. I stand here as the chosen of a constituency of this country, with my duty to that constituency to do. I stand here, Sir—if it will not be considered impertinent to put it so—with the most profound respect for this House, of which I had hoped and mean to form a part, and on whose traditions I should not wish to cast one shadow of reproach. I stand here returned duly, no Petition against my Return, no impeachment of that Return. I stand here returned duly, ready to fulfil every form that this House requires, ready to fulfil every form that the law permits this House to require, ready to do every duty that the law makes it incumbent on me to do. I will not, Sir, in this presence, argue whether this House has or has not the right to set its decision against the law; because I should imagine that even the rashest of those who speak against me would hardly be prepared to put it into the mouth of one whom they consider too advanced in politics an argument so dangerous as that might become. I speak, Sir, within the limits of the law, asking for no favour from this House for myself or for my constituency, but asking here for the merest justice, which has always been accorded to a Member of this House. I have to ask indulgence lest the memory of some hard words which have been spoken in my absence should seem to give to what I say a tone of defiance, which it is far from my wish should be there at all; and I am the more eased, because, although there were words spoken which I have always been taught that English gentlemen never said in the absence of an antagonist without notice to him in advance, yet there were also generous and brave

Mr. Spencer Walpole

words said for one who is at present, I am afraid, a source of trouble and discomfort and hindrance to Business; and I measure those generous words against the others, and I will only make one appeal through you, Sir, and that is, that if the reports be correct, that the introduction of other names came with mine in the heat of passion and the warmth of debate, that then the Gentleman who used those words, if such there were, will remember that he was wanting in chivalry, because, while a man can answer for himself—and I am able to answer for myself—nothing can justify the introduction of any other name besides my own to make a prejudice against me. I fear lest the strength of this House — exercised, as I understand it to be, with infrequency of judicial exercise—that the strength of this House makes it forget our relative positions. At present, I am pleading at this Bar for justice. By right it is there, upon the benches of this House, that I should make my appeal. It is that right which I claim now in the name of those who sent me here. There was no legal disqualification before the Election, or it might have been made a ground of Petition. No legal disqualification since my Election is even pretended. It is said—"You might have taken the Oath, as other Members did." I could not help, when I read that, Sir, trying to put myself in the place of each Member who said it. I imagined a Member of some form of faith who found in the Oath words which seemed to him to clash with his faith, but still words which he thought he might utter, but which he would prefer that he should not utter if there were any other form which the law provided him; and I asked myself whether each of those Members would not then have taken the form most consistent with his honour and his conscience? If I have not misread, some hon. Members seem to think I have neither honour nor conscience. Is there not some proof to the contrary in the fact that I did not go through the form, believing that there was some other right open to me? Is that not some proof that I had some honour and conscience? And I ask those Gentlemen who are now about to measure themselves against the right of the constituencies of England, what justification have they for that

measurement? Some say I have thrust my opinions upon this House. I appeal here, Sir, to the evidence of Sir Thomas Erskine May, and I can find no evidence of any opinion of mine having been thrust upon this House. I have read—it may be that the reports misrepresent—that the cry of "Atheist" has been raised on that (the Opposition) side of the House. No word of all mine before the Committee, no word of all mine in any document, puts these theological or anti-theological opinions in evidence before the House. I am no more ashamed of my own opinions—which I did not choose—I am no more ashamed of my opinions, into which I have grown, than any Member of this House is ashamed of his; and, much as I value the right to a seat in this House, much as I believe the justice of this House will accord it me before the struggle ceases, I would rather relinquish it for ever than it should be thought that, upon any shadow of hypocrisy, I had tried to gain a feigned entrance here by pretending to be what I am not. In the Report of the Committee, as it stands upon the evidence before the House, what is the objection either to my Affirmation or to my taking the Oath? It is said, "You have no legal right to affirm." I will suppose that it be so. It is the first time the House of Commons has made itself a Court of Law from which there may be no appeal, and deprived a citizen of his Constitutional right of appeal to a Court of Law to make out what the statute means in dealing with him. There is no case in which the House has overridden everything, and put one of its Members where he has no chance of battling for his right to take the Oath. It is possible that some of the lawyers—hon. and learned Gentlemen who have disagreed among themselves even upon that (the Opposition) side of the House—it is possible that they may be right, and that I may be wrong in the construction I have put upon the Oath. But no such objection can come. There is no precedent—there is, I submit respectfully, no right—on the part of this House to stand between me and that Oath which the law provides for me to take, which the statute, under a penalty compels that I shall take, and which another statute, under penalty even on Members of this House themselves if they put me out

from my just Return, gives me a right of appeal. But what kind of conflict is provoked here if this Resolution be enforced? Not a grave conflict like that which takes place in a Court of Law, where the Judges exclude passion, and where they only deal with facts and evidence. I do not mean that these hon. Gentlemen do not deal with facts; but, if I am any judge, there have been many things which I can hardly reckon in the category of facts put against myself. I do not mean that they are not right, for hon. Members may know more of myself than I do myself; but, judging myself as I know myself, some of the hon. Members who have attacked me so glibly during the last few days must have been extremely misinformed, or must have exceedingly misapprehended matters. It has been said that I have paraded and flaunted some obnoxious opinions. I appeal to your justice, Sir, and to that of the Members of this House to say whether my manner has not been as respectful as that of man could be?—whether, in each case, I have not withdrawn when you told me? If I now insist on my right to come to that Table, it is because I feel that I should be a recreant and a coward to the constituency which has entrusted me to represent them; and I mean to be as Members have been in the best history of this Assembly. I ask the House, in dealing with my right, to remember how they are acting. It is perfectly true that by a majority they may decide now. What are you going to do then? Are you going to declare the seat vacant? First, I submit that you have not the right. The moment I am there, upon the floor of the House, I admit the right of the House, of its own will and pleasure, to expel me; but, until the time when I am there, I am as yet not under your jurisdiction. As yet I am under the protection of the law. A Return sends me to this House, and I ask you, Sir, as the guardian of the liberties of this House, to give effect to that Return. The law says you should, and that this House should; and, naturally so, because, if it were not so, a majority of Members might, at any time, exclude anyone they pleased. Now, what has been alleged against me? Politics? Are views on politics to be urged as a reason why a Member should not sit here? Pamphlets have been read—I will not say with

accuracy, because I will not libel any of the hon. Members who read them—but, surely, if they are grounds of disqualification, they are grounds of indictment, to be proved against me in a proper fashion. There is no case in all the Records of this House in which you have ransacked what a man has written and said during his past life, and then challenged him with it here. My theology? It would be impertinent in me, after the utterances from men so widely disagreeing with me as have been made on the side of religious liberty during the past two nights—it would be impertinent in me to add one word save this. It is said that you may deal with me because I am isolated. I could not help hearing the ring of that word in the Lobby as I sat outside last night. But is that a reason, that, because I stand alone, that the House are to do against me what they would not do if I had 100,000 men at my back? [*Cries of "Oh, oh!"*] That is a bad argument—an argument which provokes a reply inconsistent with the dignity of this House, and which I should be sorry to give. I have not yet used—I hope no passion may tempt me into using—any words that would seem to savour of even a desire to enter into a conflict with this House. I have always taught and believed in the supremacy of Parliament, and it is not because for a moment the judgment of one Chamber of Parliament should be hostile to me, that I am going to deny the ideas I have always held; but I submit that one Chamber of Parliament, even its grandest Chamber, as I have always held and believe this to be, has no right to override the law. The law gives me the right to sign that Roll, to take and subscribe that Oath, and to take my seat there upon those benches. I admit that the moment I am in the House, without any reason but your own good will, you can send me away. That is your right; you have full control over your Members. But you cannot send me away until I have been heard in my place—not a suppliant, as I am now, but with the rightful audience that each Member has always had. There is one phase of my appeal which I am loth indeed to make. I presume you will declare the seat vacant. What do you send me back to Northampton to say to them? I have said before, and I trust I may say so again, that this Assembly is one in

Mr. Bradlaugh

which any man might be proud to sit—prouder, I, that have not some of your traditions and am not of some of your families, but that I am of the people—the people who sent me here to speak for them. Do you mean that I am to go back to Northampton as a Court, to appeal to against you? Do you mean that I am to tell my constituency to array themselves against this House? I hope not; but if it is to be, it must be. If this House arrays itself against an isolated man—it is its huge powers against one citizen that you are thinking to use—if it must be that, then the battle must be, too. But it is not with the constituency of Northampton alone—hon. Members need be under no mistake—that you will come into conflict. If this appeal has to go forward—if the House of Commons is to override the statute law to get rid even of the vilest of its Members—had you alleged even more against me than against one man whose name was spoken of in this House last night, or had you endeavoured to allege as much against me, still I hold that this House cannot supersede the rights of the people of this country. But not as much is alleged against me as was alleged against that man, in whose case the House itself said that its conduct had been subversive of the rights of the people. I beg you, for your own sakes, do not put yourselves in that position. I have no desire to wrestle with you for justice. I have always believed that, although in moments of Party passion votes may be given which are sometimes repented of—I have always believed that in an Assembly of English Gentlemen having to deal with one, however obnoxious justice is meted out—and I admit I have used hard words in my short life that give men the right to say hard things of me—but is it not better that I should have the right, if within the law, to say them to your face? and, if without the law, then let the law deal with me fairly and properly, and not unfairly, as I submit you are doing now. You have the power to send me back; but, in appealing to Northampton, I must appeal to a tribunal higher than yours—not to the Courts of Law, for I hope the days of conflict between the Assembly which makes the law and the Tribunals which administer it are passed. It must be a bad day for England and for Great

Britain if we are to be brought back again to a time when the Judges and those who make the law for the Judges are to try in rash strife what they mean. But there is a Court to which I shall appeal—the Court of public opinion. You say it is against me. Possibly; but then, if it be so, is it against me rightly or wrongly? I am ready to admit, if you please, for the sake of argument, that every opinion I hold is wrong and deserves punishment. Let the law punish it. If you say the law cannot, then you admit that you have no right, and I appeal to public opinion against the iniquity of a decision which overrides the law and denies me justice. I beg yours, Sir, and the House's pardon, too, if in this warmth there seems to be a lack of respect for its dignity, as I shall have, if your decision be against me, to come to that Table when your decision is given. I beg you, Gentlemen, to pause before a step is taken in which we may both lose our dignity. Mine is not much, but yours is that of the Commons of England. I beg you, before the gauntlet is fatally thrown down—I beg you, not in any sort of menace, not in any sort of boast; but I beg you, as one man against 600, to give me that justice which on the other side of this Hall the Judges would give me were I pleading before them.

Mr. BRADLAUGH then withdrew.

MR. SPEAKER: The hon. Member for Northampton has presented himself at the Table to take the Oath, and, by the pleasure of the House, has been heard at the Bar. It is now for the House to declare whether the hon. Member should be called in to know the pleasure of the House. It is for the House to express its opinion upon that matter.

SIR STAFFORD NORTHCOTE: Sir, the Question which you have put to the House is, as I understand it, whether the hon. Member for Northampton (Mr. Bradlaugh), who has just been heard at the Bar, should be called in to know the pleasure of the House? I am not aware whether any hon. Member proposes to submit any Resolution to the House; but, if not, I hardly understand upon what point it would be necessary, or, indeed, possible, for the House to express any opinion. As I understand it, the House yesterday, after full debate, came to the conclusion that the hon. Member could not be allowed either to take the

Oath or to make an Affirmation. Against that conclusion of the House the hon. Member has, in the speech to which we have just listened, advanced certain arguments. But they come after the House has arrived at a conclusion, and I am not aware that anything new has been advanced on the part of the hon. Member which had not been previously known to and considered by the House. Under these circumstances, it does not seem to me—but I speak in ignorance of what others may propose to do—that there is any occasion for us to come to any Resolution upon the matter, nor can I gather that there is any communication which it is necessary for the House to make to the hon. Gentleman. It seems to me that the matter is one which is left where it stood last night. We have had an intimation from the hon. Gentleman that he proposes, unless the decision of last night is in some shape or other rescinded, to take another opportunity of coming forward and challenging what he claims to be his right. If he should take that course, I presume that the House and you, Sir, will know what is the proper course to be adopted; but, in the meantime, so far as I can perceive, without directions from yourself, or in default of any Resolution which may be moved by others, it does not appear to me that it is necessary that we should take any further action in the matter.

MR. GLADSTONE: I did not reply, Sir, to the appeal made to me just now by the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross) because I was in doubt whether, the Question having been put, I could regularly speak. The fact was, I was in doubt whether the right hon. Gentleman had or had not spoken in due submission to the Forms of the House, or whether he had observed the stage which the Speaker had reached in putting the Question. I advisedly abstained from offering to the House any recommendation upon the Question, whether Mr. Bradlaugh should be heard or not? It does not appear to me that it appertains presumptively to me even to presume to take upon myself to give advice to the House in regard to any open question which may arise, or may be likely to arise, under the Resolution at which it arrived last night. I am one of the minority of this House who

objected to that Resolution; all of us objected on the ground that we believed it to be impolitic, and some of us upon the ground that we believed it to be illegal. I am one of those who, leaning to the stronger of those propositions, felt that my belief, by even a leaning in that direction, disabled me from offering advice to the House in regard to particulars which may arise in any new or subordinate question connected with the application of that Resolution. For that reason it was that I abstained from offering my advice to the House. Now that Mr. Bradlaugh has had an opportunity of speaking, I may say that it would have been difficult to establish by strict argument the title of Mr. Bradlaugh, or of anyone, to offer observations at the Bar against the judgment of the House, a judgment at which the House has definitively and deliberately arrived. At the same time, I am free to say that I think the House, in hearing Mr. Bradlaugh, exercised a generous indulgence; and I do not doubt that, under the circumstances, it may have been a wise indulgence. Now, I have so far ventured to take upon myself to state exactly what my opinion was upon this question. The matter which has now arisen, as put Sir, by you from the Chair, is of a different character. I entirely agree with the Leader of the Opposition that no new question arises for the consideration of the House. If a new question had arisen, I might have thought it right to act as I acted before; but, at present, I think my duty is, in the first place, to sustain the Chair, whenever I have the opportunity, in the exercise of its authority with regard to this matter, to submit for myself to the Resolution of the House, and to use no indirect or circuitous means of frustrating or impeding the application of that Resolution. It was in acting upon this last expression of opinion that I stated my full concurrence with the Leader of the Opposition, when the right hon. Gentleman said that no new question had at present arisen which called for the judgment of the House.

MR. SPEAKER: The position in which the House is now placed is this. The hon. Member for Northampton has presented himself at the Table to take the Oath. I reminded the hon. Member of the Resolution which was passed yesterday, and, having read it, I directed

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the hon. Member to withdraw. The hon. Member desired, before acting upon my direction, that he might be heard. I submit to the House that the proper course is that the hon. Member should be desired to attend at the Table to receive a final direction from the Chair that he do withdraw—because the hon. Member, if I understand him aright, awaits the final verdict from the Chair after he has been heard at the Bar. Is it your pleasure that Mr. Bradlaugh be called in?

MR. LABOUCHERE rose to address the House. ["Order, order!"]

MR. SPEAKER: I must point out to the hon. Member that the House is now engaged in a formal proceeding—namely, simply to call in the hon. Member for Northampton in order that he may know the pleasure of the House. After the hon. Member for Northampton has been called in, and the pleasure of the House shall have been signified to him, an opportunity will be given to the hon. Member to address the House.

MR. LABOUCHERE: That is precisely the point I wished to raise—what is the pleasure of the House upon this subject?—because I evidently could not raise that question after Mr. Bradlaugh had been called in and told what the pleasure of the House is. As I understand it, you intend to convey to Mr. Bradlaugh that the pleasure of the House is that he be neither allowed to affirm nor to take the Oath. ["Order, order!"]

MR. SPEAKER: I must correct the hon. Member. The Question I put to the House is, whether it is the pleasure of the House that Mr. Bradlaugh be called in?

MR. LABOUCHERE, who rose amid renewed cries of "Order," said: I apprehend, Sir, I am in Order. Of course you will tell me if I am not, and I will sit down; but I want to say this. You have, or the House has, heard Mr. Bradlaugh at the Bar. Well, it is just possible that the House may have changed its opinion—[*Laughter*—Hon. Gentlemen laugh; but let me ask if they started with the foregone conclusion that what was decided yesterday could not be altered, what was the use of calling Mr. Bradlaugh up to the Bar?

SIR JOHN R. MOWBRAY: I rise to Order. You, Sir, have informed the hon. Member for Northampton (Mr. Labouchere) that the pleasure of the

House is that Mr. Bradlaugh should now be called in. I ask you, after your having twice made that announcement, whether it is now in Order for the hon. Member to raise the question again?

MR. COURTNEY: I understand you, Sir, to put the Question to the House that Mr. Bradlaugh be now called in; and, therefore, the right hon. Gentleman the Member for Oxford University (Sir John R. Mowbray) is not correct in his supposition.

MR. SPEAKER: The Question I put to the House was—"Is it the pleasure of the House that Mr. Bradlaugh be called in?" If that received the general assent, no doubt Mr. Bradlaugh would be called in at once; but on putting that Question, the hon. Member for Northampton rises in his place, and claims to address the House on the point. Therefore I now call upon Mr. Labouchere.

MR. LABOUCHERE: As you have said, Sir, you asked the House whether it is the pleasure of the House that Mr. Bradlaugh be called in. Well, if Mr. Bradlaugh were called in, and it is the pleasure of the House that he be not allowed to affirm or to swear, would this be stated by you to him? It is that point I wish to challenge. I do not wish to make a long speech, for there have been too many speeches upon the question already. We have had speeches upon the Motion, speeches upon the Amendment, and upon other matters which had nothing to do either with the Motion or the Amendment. I do not think these speeches have changed many views. Hon. Gentlemen came down to vote one way or the other, and I think it was somewhat invidious to raise in an indirect manner the question whether Mr. Bradlaugh should be allowed to take the Oath of Allegiance. Up to the present moment no argument has been specifically addressed to this question. Upon this side of the House hon. Gentlemen spoke in favour of my Motion, that Mr. Bradlaugh should be allowed to affirm. On that side of the House hon. Gentlemen spoke on the Amendment, and made many speeches to show that Mr. Bradlaugh might neither affirm nor take the Oath. But those speeches were not answered here. We have the fact before us that not only the Prime Minister is of opinion that Mr. Bradlaugh has an absolute and perfect right to come to that Table to take the Oath

of Allegiance, without any interference on the part of the House; but we have also the hon. and learned Gentleman the late Attorney General (Sir John Holker), who sits on that side of the House, entertaining the same doctrine.

MR. SPEAKER: The hon. Member is not entitled to call in question a vote of the House unless he is prepared to make a Motion to rescind it.

MR. LABOUCHERE: Well, I will ask you, Sir, whether I may put this—

“That Mr. Bradlaugh, having been heard at the Bar of the House, be now allowed to take the Oath of Allegiance at the Table of the House?”

I gather that I may put that.

MR. SPEAKER: Such a proposition would be in direct opposition to the vote passed by the House yesterday, and cannot be put.

MR. LABOUCHERE: As I understand it, Sir, you ruled that I could ask the House to rescind the decision which it came to yesterday. That being so, I apprehend that I may move this Resolution. Of course if you say I may not, I may not, and there the matter collapses; but I understand that I may move the Resolution, and, under those circumstances, I am going to move the Resolution. Mr. Bradlaugh is in an exceedingly difficult position—

MR. ARTHUR O'CONNOR: I wish to ask, Sir, whether it is competent for the hon. Member to move to rescind a Resolution of this House without Notice?

MR. SPEAKER: If the hon. Member for Northampton moves to rescind the Resolution passed by the House yesterday he will be in Order.

MR. LABOUCHERE: Then I will move to rescind the Resolution taken by the House yesterday. I have already said that I did not wish to occupy the time of the House by making a lengthy speech, either legal or otherwise, upon this question; but I will only point out to hon. Gentlemen opposite, as a matter of fairness to Mr. Bradlaugh, what his position is. Mr. Bradlaugh has been elected fairly and legally as the Member for Northampton, and it was his duty to that constituency to do his best to come into the House and to fulfil his duty as their Representative. He was anxious to affirm, because he was under the impression that that would be more pleasing to the House than that

he should take the Oath; but when I brought forward the Resolution that he should be allowed to affirm, an Amendment was put and carried that he should neither be allowed to affirm nor to take the Oath. I beg to move to rescind the Resolution of yesterday.

MR. MACDONALD: I second the Motion of the hon. Member for Northampton (Mr. Labouchere), with great pleasure. I feel keenly upon the matter, because I look upon the course taken by the House as an attempt to trample on the rights of a constituency never before witnessed in connection with any constituency in the United Kingdom. If we are not successful in resisting that action, at least we who vote for the Motion will show that a large number of Members are still in favour of civil and religious liberty.

Motion made, and Question proposed,

“That Mr. Bradlaugh, the Member for Northampton, having been heard at the Bar in support of his claim to take the Oath, the Resolution of the House relative to his claim be rescinded.”—(*Mr Labouchere.*)

SIR STAFFORD NORTHCOTE: I rise to Order. I wish to put a question to you, Mr. Speaker, with regard to the important proposal which I understand to be made by the hon. Member for Northampton (Mr. Labouchere.) I understand from the authority of the book to which we commonly look for guidance in these matters that in the case of a proposal to rescind a Resolution, the course pursued is that the Resolution itself should be read to the House, and then a Motion made to rescind it. That Motion, I understand, is now proposed by the sitting Member for Northampton (Mr. Labouchere). I wish to ask if that is the right course to adopt on this occasion, or whether it is not necessary that Notice should be given of the intention to take so serious a step as to move to rescind a Resolution of the House?

MR. SPEAKER: On the question of Notice there is no doubt that, under ordinary circumstances, Notice is necessary; but this being a question of Privilege, and one affecting the seat of an hon. Member, Notice in such a case is not absolutely necessary, regard being had to the practice of the House. I will now put the Question.

Mr. Labouchere

MR. GORST: I rise to move the adjournment of the debate.

MR. SPEAKER: Order, Order! The Question is that Mr. Bradlaugh, having been heard at the Bar in support of his claim to take the Oath, the Resolution of the House relative to his claim be rescinded.

MR. GORST: I move the adjournment of the debate. I do so for this reason. Whether the House requires Notice of this Motion or not, it is obvious that the rules of fair play require that a Resolution arrived at by the House in the small hours of the morning ought not to be rescinded at noon on the same day without some Notice being given. I feel sure that my Motion for the adjournment of the debate will receive the support of Her Majesty's Government.

Motion made, and Question proposed,
"That the Debate be now adjourned."—
(*Mr. Gorst.*)

MR. NEWDEGATE urged that if ever a Motion for the adjournment of the debate was justified it was in this case. The House had given judgment in the case of Mr. Bradlaugh that day, and the House was asked within a few hours to rescind the Resolution which it had come to after two Committees had investigated the subject, and after the subject itself had been fully debated for two nights. Whatever might be the opinions of the sitting Member for Northampton, which had induced him to support his Colleague, he must say that his conduct now was scarcely respectful to the House. That was his opinion, at any rate. Mr. Bradlaugh had had the indulgence of the House as far as it could be granted.

MR. GLADSTONE: Sir, I do not join in the censure which has just been passed upon the sitting Member for Northampton (Mr. Labouchere). I have no doubt that he, like most of us, felt that whatever choice of difficulties we might make, choice of difficulties is the only course that we have before us. Nor was I in the smallest degree surprised by the judgment given by you, Mr. Speaker, from the Chair, that, under the peculiar circumstances of this case, the authoritative usage respecting Notice which is so vital, as a general rule, to the good order of our proceedings, could not be applied against the hon. Member.

Therefore, he will not misunderstand the words that I am about to speak. Viewing him as entitled to submit his Motion to the notice of this House upon his own conscientious judgment, I likewise have endeavoured to give it the best consideration I could at the present moment in the light that is thrown upon it by the consideration of the position of the several parties concerned in this important and critical affair; and, Sir, the judgment at which I have arrived is that no good can be done by persevering in that course. There cannot be the smallest hope that the House will rescind the Resolution of last night. If the House did rescind the Resolution, there is no doubt that it would be with a loss of dignity which I know not whether at some time or other, and under some circumstances or other, it might have to confront. What I look to is the probable issue of the re-affirmation of the Resolution, and at the position in which the mere proposal to rescind it places the House of Commons. I think it is inflicting disparagement upon the House, so far as that can be done by the act of the hon. Member, to make this request at the present time. I perfectly understand the obligation which might be felt by the hon. Member to run the risk of that disparagement if he had in view a practicable object of probable attainment. But he cannot himself so regard it. It practically assumes the character of a challenge to the House to affirm the Resolution at which it has already arrived. I can see no good that is to arise to Mr. Bradlaugh, to the House of Commons, to the constituency of Northampton, to the majority or to the minority of this House, from taking that course; and, therefore, not having shrunk myself from meeting the whole exigencies of this case, so far as I have been able to view and appreciate them, I would most earnestly appeal to the hon. Gentleman to waive this exercise of his right, and to refrain from pressing upon the House a Motion of the adoption of which there cannot be the smallest reasonable hope, and from the rejection of which nothing but inconvenience could arise.

MR. LABOUCHERE: Sir, after the appeal which which has been made to me by the right hon. Gentleman the Prime Minister, who has already so nobly supported the cause of religious

and civil liberty on this question, and who has stood up so bravely to defend the cause of the right of the constituencies to choose their own Member, without this House being converted into a Court of Appeal, I think that I should be wrong in persisting in this Resolution. Hon. Gentlemen on this side of the House will understand the peculiar position which I occupy. I have no wish unduly to obtrude myself upon the House in connection with this case. I have no wish to get the House into trouble; but I will point out that it was said by a far higher authority than I am—namely, by the Prime Minister yesterday, that if hon. Gentlemen did not agree to allow Mr. Bradlaugh to go at once to the Table and either affirm or take the Oath, then there was a good deal of trouble in store for them. I shall exceedingly regret it; but I trust hon. Gentlemen will see that it is not my fault. I beg leave to withdraw my Resolution.

Amendment and Motion, by leave, *withdrawn*.

MR. SPEAKER: Is it your pleasure that Mr. Bradlaugh be called in?

Agreed to.

And MR. SPEAKER having ascertained that it was the pleasure of the House that Mr. Bradlaugh should be called in, and Mr. Bradlaugh being at the Table,

MR. SPEAKER: Mr. Bradlaugh, you attended the House this morning with a view to take the Oath. I then directed you to withdraw, and you expressed a desire that you should be heard before you were finally directed to withdraw. The House complied with that application, and you were heard by the House. Having been heard by the House, I have no further orders from the House beyond those which I have already signified. You will now withdraw.

MR. BRADLAUGH: I beg respectfully to insist upon my right as a duly elected Member for Northampton; and I ask you to have the Oath administered to me that I may take my seat. I respectfully refuse to withdraw.

MR. SPEAKER: I desire again to point out to the hon. Member that the orders of this House are that he do now withdraw.

Mr. Labouchere

MR. BRADLAUGH: With great respect, Sir, I refuse to obey the orders of the House, which are against the law.

MR. SPEAKER: I have now to appeal to the House to give authority to the Chair to compel the execution of its orders. I have no authority, in a case of this kind, without the orders of the House, to exercise force; and I must, therefore, appeal to the House to give me instructions for that purpose.

After a pause, during which there were loud cries of "Mr. Gladstone"—

SIR STAFFORD NORTHCOTE: Mr. Speaker, I feel that after what fell from the Prime Minister a little while ago that his position is one which is of great delicacy in this matter, and I entirely sympathize with and feel the force of his observations with regard to the course that ought to be taken in the details of the proceedings which are necessary in consequence of the decision at which the House arrived yesterday, contrary to his advice and to his opinion. Sir, I therefore take upon myself the responsibility, believing that I am thereby taking a course the most convenient to the House, and most in accordance with the feelings of the Prime Minister himself and of others, in making the Motion, which you say is necessary, in order to give you authority in the matter which you have now before you. I therefore will take upon myself to move—though I am not quite sure what the terms of the Motion should be—

"That Mr. Speaker do take the necessary steps for requiring and enforcing the withdrawal of the hon. Member for Northampton."

MR. SPEAKER: According to former precedents the Motion should be—"That the hon. Member do now withdraw."

SIR STAFFORD NORTHCOTE: Then I make that Motion.

Motion made, and Question put, "That Mr. Bradlaugh do now withdraw."—(*Sir Stafford Northcote.*)

The House divided:—Ayes 326; Noes 38: Majority 288.—(Div. List, No. 27.)

Mr. BRADLAUGH continued to stand at the Table while the division was being taken. The numbers having been announced—

MR. SPEAKER: Mr. Bradlaugh, I have now to inform you that it is the order of the House that you do now withdraw.

MR. BRADLAUGH: I submit to you, Sir, that the order of the House is against the law, and I positively refuse to obey it.

MR. SPEAKER: Sergeant at Arms, remove Mr. Bradlaugh below the Bar.

The *Sergeant at Arms*, advancing to and touching Mr. BRADLAUGH upon the shoulder, requested him to withdraw.

MR. BRADLAUGH (while being removed below the Bar): I shall submit to the Sergeant at Arms removing me below the Bar; but I shall immediately return.

MR. BRADLAUGH, again advancing within the Bar, said: I understand that I am ordered out of the House. I claim my right as a Member of this House—[*Cries of "Order, order!"*]—I claim my right as a Member of this House to take the Oath and to take my seat. I admit the right of the House to imprison me; but I admit no right on the part of the House to exclude me, and I refuse to be excluded.

The *Sergeant at Arms* again conducted Mr. BRADLAUGH below the Bar.

MR. SPEAKER: The House has now to deal with a very grave matter. It is for the judgment of the House to say what course is now to be taken with Mr. Bradlaugh, the Member for Northampton, who, having been called upon to withdraw, refused to obey the order of the House. He was then ordered to be removed by the Sergeant at Arms, and now he again insists upon taking his seat in this House. I have to put it to the House to say what course should be taken with the hon. Member.

SIR STAFFORD NORTHCOTE: I apprehend, Sir, that the question now before the House is one altogether of a different character from that with which we have recently been occupied. It is not now a question of whether the hon. Member has or has not a right to take the Oath or make an Affirmation; but it is a question whether the authority of the Chair, and not only the authority of the Chair, but that of the House itself, is to be supported or disregarded. I am quite sure, Sir, that none of us are disposed to make any personal complaint of the conduct of the

hon. Member. We know that he is in a position which calls for our consideration, and that we must make all proper allowance for the course which he may think it to be his duty to take. But we, too, have our duty to perform. Now, Sir, with reference to my own interposition at this moment, I must again apologize to this House for taking upon myself the function which would more properly belong to the Leader of the House; and I make no observations beyond referring to what I said a few minutes ago upon the circumstances which induced him to keep silence, and to leave the initiation of further proceedings to one who is in a less responsible position—namely, myself. Sir, I believe there is no question as to the course which it is my duty to recommend to the House. I make the Motion with regret, because I had hoped that Mr. Bradlaugh, having received authoritatively—and after having had a full opportunity of making his own statements in the House—through you, Sir, the decision of the House and the directions of the House, that he would withdraw; I had hoped that he would have attended to that instruction, and that he would not have put us in the painful position in which we stand of having to enforce the authority of the Chair. I do not know that there is an alternative open to us under these circumstances. It is quite impossible that we can allow the order of the House to be broken repeatedly, and the authority of the Speaker and the House itself to be challenged over and over again; and therefore I shall deem it my duty to move, not in any spirit of vindictiveness, but simply for the purpose of asserting the authority of the House and the Chair—

"That Mr. Bradlaugh, having disobeyed the Orders and resisted the authority of the House, be for his said offence taken into the custody of the Sergeant at Arms attending this House."

Motion made, and Question proposed,

"That Mr. Bradlaugh, having disobeyed the Order, and resisted the authority of this House, be for his said offence taken into the custody of the Sergeant at Arms attending this House; and that Mr. Speaker do issue his Warrant accordingly."—(*Sir Stafford Northcote.*)

MR. GLADSTONE: Sir, I have endeavoured to act consistently upon the intention that I announced to the House. I thought it more seemly, and,

upon the whole, more advisable that recommendations should be made to the House as to the steps for it to take in the process in which it is engaged, by those who have been parties to the original decision, rather than by one of those who had most objected to it and most lamented it. But at the same time, though it was no part of my duty, I think, to advise the House in the matter, yet the Mover of the Resolution and those interested in it have a fair right to expect that it should be viewed by me, and those immediately around me, with entire candour, and candour compels me to admit that I see no other course that could have been taken by those responsible for the decision of last night than the course which is described in the Motion just submitted to the House. I cannot myself think it right to attempt to resist the House ineffectually at each step in a consistent effort to give a perfect accomplishment and consummation to the Resolution at which it has arrived. I know not whether the decision will be disputed; but admitting that it follows logically and necessarily out of what has been already done, and moreover nothing could be more unsatisfactory to all parties, nothing more unseemly than the prolongation of the scenes such as we have lately witnessed, I can enter no objection to that Motion, considering it as being in reality involved in its essence in the previous proceedings of the House.

MR. LABOUCHERE: I do not rise, Sir, to oppose the Resolution. I think it, however, a somewhat strange thing that a citizen of this country should be sent to prison for doing what eminent legal Gentlemen on this side, and an eminent legal Gentleman on that side of the House say he has a perfect right to do. ["No, no!"] Well, I do not know whether hon. Members opposite mean to say that the hon. and learned Gentleman the late Attorney General is not an eminent legal authority on such a point. That is the view taken by that hon. and learned Gentleman. I say it is a somewhat hard thing that anyone should be put in prison for doing what a general *consensus* of legal opinion in this House holds to be his duty and his right. But, as the Prime Minister has stated, it is useless to oppose the Motion, because

Mr. Gladstone

Mr. Bradlaugh has come into conflict with a Resolution of the House, be that Resolution right or wrong. I, regretting as I do, the necessity that has been forced on the House, and regretting the Resolution that has been passed by the House, do not think I should be serving any good purpose in opposing the Resolution, or in asking the House to go to a vote on this question. I believe myself that the sending Mr. Bradlaugh into custody will be the first step towards his becoming a recognized Member of this House.

MR. BRADLAUGH: Mr. Speaker, I ask through you, Sir—[*Cries of "Order!"*]

MR. SPEAKER: The hon. Member cannot be heard without the leave of the House.

MR. BRADLAUGH: I ask through you, Sir—["Order, order!"]

MR. COURTNEY desired to put a point which might deserve a little consideration. As he understood the Motion which had been proposed to them, the hon. Member for Northampton (Mr. Bradlaugh) was to be taken into custody for resisting an Order of the House. That, of course, they all expected would be fulfilled; but it occurred to him that if they could put a recital in that Order that the hon. Member disputed the legality of the action of the House in refusing to allow the Oath to be administered to him, it would then be competent for Mr. Bradlaugh, being in custody, to move for a Writ of *Habeas Corpus*, and on the return of that Writ, a question of the utmost importance—namely, the legality of that refusal—might possibly be raised. They were undoubtedly on the eve of a contention between the House and the Courts of Law, and there ought to be no backwardness on the part of the House in facing the consequences of its own action. He (Mr. Courtney) himself voted with the minority on the previous night; but he was of opinion that the Resolution then carried, though impolitic, was legal; but as the hon. Member's contention was that that Resolution was illegal, he thought there should be, as he had suggested, the possibility of inserting a recital to the effect that the hon. Member for Northampton disputed the legality of the action of the House in refusing to allow the Oath to be administered to him.

MR. A. M. SULLIVAN pointed out that the hon. Gentleman's (Mr. Courtney's) suggestion raised an issue which was not now before the House. Mr. Bradlaugh was about to be committed, not for his refusal to take the Oath, but for his refusal to withdraw when ordered to do so by the House; and nobody could say there was any precedent for putting on the books of the House a recital in connection with an Order for withdrawal. It occurred to him (Mr. A. M. Sullivan) that if the question as to taking the Oath were to be raised in any way that would enable the House as well as Mr. Bradlaugh to try it, Mr. Bradlaugh himself could raise the question by walking into the Lobby and giving a vote or by taking his seat in the House; but any Member of the House who refused to obey an Order of the House thus conveyed to him by the Speaker would be in exactly the same position which the Member for Northampton now occupied. He understood that the committal was for disobedience to the Order of the House, and for nothing else.

MR. LYULPH STANLEY said, he thought it was important that they should have on the record all the circumstances connected with the giving of Mr. Bradlaugh into custody, for it would be in the power of the House, by making a mere general Return that he was given into custody for disobeying the Order of the House, to evade all consequences of law whatever, as a Court of Law would not go behind the Return. But he took it that the majority would not shrink from the responsibility of their action. Having stepped between Mr. Bradlaugh and the discharge of what he considered to be his Parliamentary duty, they ought not to be afraid to have clearly on record what were the circumstances in connection with the giving of Mr. Bradlaugh into custody, in order that he might have an opportunity of asking the Courts of Law whether the action of the House was or was not an illegal obstruction. A proper Resolution to this effect could not be drawn up on the spur of the moment; but it was clear that those who felt strongly that the House was entering on an illegal course of action, in defiance of the warning of one of its oldest Members—

MR. FINIGAN: Sir, I rise to Order. I wish to know whether a gentleman

who is taking notes at the Bar is doing so with the cognizance of the House?

MR. SPEAKER made no reply.

MR. LYULPH STANLEY resumed, and said that he and others wanted to have all the circumstances placed on the records of the House, so that the legal question might hereafter be properly raised. He did not think that ought to be decided on the spur of the moment, and he suggested that there should be an adjournment in order to give time for the consideration of the matter.

MR. MACDONALD: I rise again, Sir, to call your attention to a gentleman who is now, and has been for some time, within the limits of this House taking notes, and I wish to know whether that is by your authority or the authority of this House?

MR. SPEAKER: The shorthand writer referred to by the hon. Member is present by the authority of the House, and he is taking down—not the debates of the House, for that would be clearly out of Order—but simply the proceedings with reference to this matter, which is a matter of Privilege.

MR. LYULPH STANLEY said, he would move the adjournment of the debate, as it was impossible at that moment to settle a Resolution in a form that would raise the whole matter.

MR. MACDONALD seconded the Motion. The hon. Member for Northampton (Mr. Bradlaugh) was entitled to have a clear record of the proceedings if he intended, as he (Mr. Macdonald) hoped he did intend, to appeal at once to a Court of Law to vindicate his right to sit in the House. The hon. Member appeared there, largely supported by the working men of Northampton; and as representing the working men of the town of Stafford he (Mr. Macdonald) claimed that the hon. Member might have every justice done him, and that he might have the proceedings clearly recorded. Hon. Members on the Opposition side had had the courage, on the previous night, to go into the Lobby to deprive Mr. Bradlaugh of his right, and to deprive the town of Northampton of its right to return him; and if they did not have the courage to allow the whole matter to be placed on the records of the House, he (Mr. Macdonald) said that they would be acting in a spirit of cowardice unworthy of a great Assembly. [*Cries of "Order!"*] He was under the order of the Speaker,

and not under the order of the Opposition. Till he had his condemnation, his language would be "No." He said again that they would be acting in a spirit of cowardice. The meanest subject in the Realm had the power to appeal to a Court of Justice; but by the course proposed the hon. Member for Northampton would be deprived of that right. He (Mr. Macdonald) therefore cordially seconded the Motion for adjournment, so that the whole matter might be put in such a form as would give the hon. Member an opportunity of bringing his case before the Courts of Law.

Motion made, and Question proposed, "That the Debate be now adjourned."—
(*Mr. Lyulph Stanley.*)

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, his reasons for abstaining from taking part in the discussion were similar to those of the Prime Minister; but it might be expected that he should say a few words with respect to the suggestion of the hon. Member for Liskeard (Mr. Courtney). He understood that suggestion to relate to the probability of the action of the House being reviewed by means of legal proceedings, and the phrase used by the hon. Member was that the House was on the verge of coming into collision with the Courts of Law. He apprehended that there was, in fact, no such probability. He understood the case to be this—that Mr. Bradlaugh, having received directions from the Speaker, with the full acquiescence of the House, to withdraw from the House, had thought it right, in order to maintain the claim which he had made, to refuse to withdraw. He (the Attorney General) apprehended that that was clearly an act of disorder and contempt. He supposed Mr. Bradlaugh had so done for the purpose of maintaining what he considered to be his right; but clearly it was a contempt of the House not to obey the order to withdraw. He would not enter into a legal question; but he apprehended that there were decisions over and over again, well known to them all, that a Court of Law had no power to review such proceedings of the House. The House had that inherent power which every Court had, to maintain order within its walls, and to prevent its orders from being treated with contempt. There

Mr. Macdonald

could, therefore, be no power of reviewing the proceedings of the House. He understood his hon. Friend who had made the suggestion to wish it to be shown on the Warrant that Mr. Bradlaugh had acted in the exercise of a *bond fide* claim of right to remain in the House. He was sure that the House would be unwilling to take any course that would prevent the hon. Member for Northampton from raising any legal right which he thought he might possess, and that, considering all the circumstances of the case, the House would be very careful to see that the hon. Member should be in no way prejudiced by a refusal to bring all the facts of the case before the Court that was said to have power in the matter. But there could be no possibility of any injustice being done to the hon. Member by refraining from setting out in the Warrant the reasons for the Order, for, supposing there was a right in the Courts of Law to review the decisions of the House, against which view he protested, he presumed it would be done by moving for a Writ of *habeas corpus*, and that application would have to be made on affidavits, stating distinctly the whole of the proceedings. He thought, therefore, that it would be contrary both to the practice and the dignity of the House to enter on the warrant of commitment the course taken by Mr. Bradlaugh, but only the order made by the House, and he could assure the House that in doing so they would not be prejudicing any claim made by the hon. Member.

MR. LYULPH STANLEY asked leave to withdraw his Motion for an adjournment, because he understood, from indications on the other side of the House, that if the matter came before a Court of Law the facts would be stated as fully and fairly as possible.

MR. LABOUCHERE said, Mr. Bradlaugh wished him to state that on coming to the Table and on being asked to withdraw, he said—"I positively refuse to obey the order of the House, as not being according to law." All that Mr. Bradlaugh asked was that those words should be on the face of the proceedings. He (Mr. Labouchere) hoped the hon. and learned Attorney General would not object to that. They might be useless; but in that case they would only be surplusage, and could do no harm. There could be no doubt

that Mr. Bradlaugh did say those words.

Motion, by leave, *withdrawn*.

Question again proposed.

Mr. FINIGAN said, that as an Irish Member, sent to that House for the purpose of obtaining guarantees for the liberties and freedom of Ireland, he could not see that he should be supporting the principles of liberty by in any way consenting to the imprisonment of a Gentleman over whom, he contended, the House had no jurisdiction. Until Mr. Bradlaugh had taken his seat within that House as a Member, he was convinced that, if not from a legal point of view, yet from the point of view of justice, the House would be acting in an impolitic and unjust manner if it condemned to imprisonment a Gentleman over whom it had no control. He had heard many arguments in that House for and against Mr. Bradlaugh; but he had not heard from any of the legal or non-legal speakers a tittle of evidence to prove that Mr. Bradlaugh had no right to take an Oath in that House. Therefore, until the House had had time to calmly consider the question, and in order that some judicial opinion might be taken on the case in the interests of justice, as a supporter of the liberties of his own country, and an opponent of any form of tyranny whatever, he moved the adjournment of the debate.

Mr. BIGGAR seconded the Motion.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Mr. Finigan*.)

Mr. NEWDEGATE pointed out to the hon. Member that, while he enjoyed the privileges of a Member of the House, it was contrary to the authority of the House, and to the authority of any Legislative Assembly, however democratic it might be, to interrupt the exercise of its authority, not only over a Member, but over any other person who interrupted its proceedings.

Question put.

The House *divided*:—Ayes 5; Noes 342; Majority 337.—(Div. List, No. 28.)

Original Question proposed.

Mr. PARNELL said, he had not taken any part in the debate on this

question up to the present moment, because he had found that his opinions upon it were not shared by the great majority of the Irish Members. Although he had felt it right to vote in the division of the previous day, and in the various divisions that had taken place that day, he had not up to that point deemed it right to obtrude himself upon the House. But they had now reached a stage at which he felt it was his duty to say a few words in explanation of the vote he had given. The Resolution which the Speaker had put from the Chair asked the House to decide that Mr. Bradlaugh be committed to the custody of the Sergeant at Arms—in other words, that he be imprisoned. He asked hon. Members to consider the position in which they would be placed if the House adopted the Motion. They had not decided that Mr. Bradlaugh's seat be declared vacant, and if they imprisoned him, they put themselves in this position—that either they would have to leave the question alone with reference to the vacation of the seat for Northampton, or else they would have to adjudicate upon it during the imprisonment of the principal person concerned. If they did not proceed to vacate the seat they inflicted a grievous injury upon the constituency of Northampton by depriving it of the opportunity of being represented in that House. If, on the other hand, they proceeded to consider the question of vacating the seat, they would have to do so during the imprisonment of Mr. Bradlaugh, whose case they would have to decide behind his back and without affording him an opportunity of saying anything in his own defence. But his (Mr. Parnell's) object in rising, more particularly at that time, was to point out to his hon. Friends from Ireland that if they voted for the Motion before the House, they would vote, as he believed, for a Motion repugnant to the feelings of the people of the Southern, Western, and Eastern divisions of Ireland. He could not believe that the Irish constituencies would desire their Members to vote for the imprisonment of anybody. They knew the last time that Motion was made it was made against the late Mr. William Smith O'Brien, who was taken to the place to which he supposed the hon. Member for Northampton would be taken. He could not help

thinking that there were alternatives to the course which it was proposed to adopt—such, for example, as excluding Mr. Bradlaugh from the House—and that there was no reason to imprison the hon. Member and do an injury to the constituency. He would conclude as he had begun, by saying that he did not believe the Irish constituencies would wish even an Atheist to be imprisoned.

MR. A. MOORE said, he protested against the false issues which had been raised. They did not imprison this man because of his religious opinions. An Order had been given to him to withdraw, and he had refused to obey that Order. Such a proceeding was clearly a breach of the Privileges of the House, which would be only exercising its legitimate authority by acting upon the Motion now before it. He denied that the issue raised by the hon. Member for Cork (Mr. Parnell) was the true or real issue before the House.

THE O'DONOGHUE said, he was sorry to be obliged to differ from his hon. Friend the Member for Cork (Mr. Parnell) on the course he had taken in this question. On most subjects he was quite ready to allow his hon. Friend to speak for him; but on this occasion he must positively decline to do so.

MR. PARNELL said, he rose to explain. ["Order, Order!"]

MR. SPEAKER said, the hon. Member for Tralee (The O'Donoghue) was in possession of the House; but he understood the hon. Member for Cork (Mr. Parnell) to rise merely to make an explanation.

MR. PARNELL said, that he wished, with the permission of his hon. Friend (The O'Donoghue), to explain that he had not attempted to speak for any hon. Member but himself.

THE O'DONOGHUE said, that of course he did not for a moment wish to deny his hon. Friend (Mr. Parnell) an opportunity to explain; but he certainly understood him to say that the course which many Irish Members had taken, or were about to take, would be disagreeable to their constituents in the South and West of Ireland. He (The O'Donoghue) entertained no doubt whatever that the course which he had taken and intended to take would be in accordance with the wishes and feelings not only of his constituents but of the great majority of the people of the South

and West of Ireland. The facts of the case had not been put before the House quite fairly. Mr. Bradlaugh was ordered to withdraw, and in defiance of the Rules of the House he declined to do so. He (The O'Donoghue) thought he was doing his duty to the House and to his constituents in voting that every necessary step should be taken to compel Mr. Bradlaugh to conform to the Rules of the House.

Question put.

The House divided :—Ayes 274; Noes 7: Majority 267.—(Div. List, No. 29.)

Ordered, That Mr. Bradlaugh, having disobeyed the Order, and resisted the authority of this House, be for his said offence taken into the custody of the Serjeant-at-Arms attending this House; and that Mr. Speaker do issue his Warrant accordingly.

ORDERS OF THE DAY.

LOCAL INQUIRIES (IRELAND) BILL.

(Mr. Fay, Sir Harcourt Johnstone, Mr. Joseph Cowen, Dr. Cameron, Sir Joseph M'Kenna.)

[BILL 132.] SECOND READING.

Order for Second Reading read.

MR. FAY, in moving that the Bill be now read a second time, said, that it was designed to provide for the establishment of a tribunal for the conduct of local inquiries relating to Private Bills in Ireland. He did not claim to be the author of the Bill. It was drawn by his hon. Friend the Member for Tipperary (Mr. P. J. Smyth), but handed over to him (Mr. Fay) when his hon. Friend was unable to come to the House in time for the presentation of the Bill. It was highly probable that the idea of introducing the measure had its origin in his hon. Friend's mind, probably to a great extent, in words spoken by the right. hon. Gentleman now at the head of Her Majesty's Government, when he was appealing to the sympathetic heart of Mid Lothian. Of course, no one should be tied to the *ipsissima verba* of an electioneering speech no more than the more social Members of that House should be tied to their after-dinner speeches; but still the expression of the Prime Minister's feeling on the subject-matter of the Bill strongly advised some local machinery for relieving the House of Commons such as the Bill recommended. Now,

Mr. Parnell

neither he nor his hon. Friend the Member for Tipperary meant at all to come forward, and, in answer to the remarks of the right hon. Gentleman, cry out "Eureka." On the contrary, they humbly submitted to the House what they considered a fair suggestion. The question was no now one. It had been mooted in that House more than once; and on all occasions the concession had been made by the House that there existed a necessity for some reform in this direction. As to carrying out the desired measures, their proposal did not in any way invade the ancient Prerogatives of Parliament. It was no new scheme, repealing Acts of the House deliberately passed, or establishing, as against old precedents and old tribunals, new laws and new organizations. The Bill merely proposed that, to provide facilities for legislation on Private Bills in Ireland, they should change the venue of the existing tribunals in that and the other House, as regarded certain component parts thereof, from London to Ireland. They should establish a branch of the Private Bill Office in Dublin, to be called the "Irish Private Bill Branch Office," for the deposit of Irish Private Bills, subject to regulations by Standing Orders, to be made from time to time for that purpose by each House of Parliament; that Private Bills originating in the House of Lords should be referred to a Committee consisting exclusively of Irish Representative Peers, or Peers of Parliament connected with Ireland by having a residence in that country; that Private Bills originating in the House of Commons should be referred to a Committee composed exclusively of Irish Members of Parliament, and that these Committees should hold their sittings in Ireland, at such convenient places as they might select. As the right hon. Gentleman the Prime Minister had, to a great extent, practically conceded the merits of the claim which he now advanced, it was not his intention to go into details upon the question, and he should be as brief as possible in his remarks. But there were three points which occurred to the Irish mind in regard to Private Bills. He alluded to Railway, Gas, and Tramway Bills, and all Bills of that class. Now, the points which had provoked a very strong expression of feeling in Ireland in respect of these measures were (1)

the serious inconvenience attending the promotion of such schemes in London; (2) the large drain of money from Ireland into London; and (3) that the great expense attending the promotion of smaller schemes, such, for instance, as small trams, had operated to prevent a great many valuable improvements from being effected in the country. These were all very serious grievances. As to the inconvenience, that was probably the smallest matter; but he would say much valuable evidence was lost by the fact that many men of position and great business engagements fought very shy of being kept knocking about the Lobbies of the House for weeks, perhaps, awaiting to be called as witnesses. But as to the drain from the country, first, from a general point of view, he found that it was calculated, when this matter was under discussion in 1871, that, from 1800 to 1870, 681 Irish Local Acts were passed. That did not include the rejected private measures. Well, take them at another 681, he would calculate the loss in cash to Ireland for legal and other incidental costs at nearly £3,000,000. Add to this travelling and hotel expenses of witnesses, and those interested in the Bills, and the sum would probably represent close on £6,000,000 lost to Ireland. That, in itself, to a poor country, was a severe loss. As regarded the witnesses' expenditure, he might add that it was wonderful how men accustomed to humble homes and meagre fare dropped at once into views about grand hotels and choice brands of wine when they came over as such witnesses. Enthusiastic Englishmen ascribed this fact to the instantaneous refining feeling of London society; others, more prosaic, believed it ascribable to the fact that every witness thought corporations and projectors of companies fair game for plunder. But the expense of promoting Bills by small townships had been something enormous; and he could heap up instances of the evil. He should take as a present illustration one of the last made townships in Ireland—that was Drumcondra. Its rating was £13,000 only; its conversion into a township cost £1,700 under the present system. There were other township creation expenses equally bad, including Rathmines, Sligo, £14,000; Clonmel, £20,000; and he might also refer to the cost of the Dublin

Trunk Railway, amounting to £54,000. He could multiply incident after incident if he so desired; but he should now point out that the result of this was that a great many small improvements in Ireland were prevented from being carried out. By way of illustration he might mention that in many parts of Ireland small links were wanted to connect them with existing railways. These gaps could not well be filled up by the making of railroads. In point of fact, they would not pay; but if they could get Tram Bills at a very cheap price—say for a few thousand pounds—they could in many cases connect towns which were now almost inaccessible. These trams would be extremely suitable, especially in the mountainous districts, where the circumstances of the country would not afford a short railway to meet the nearest stations or mountain roads. Well, in these cases the companies promoting schemes would, under the present system, be out of pocket half the amount of money that would be required to form the line before they were in a position to lay a rail; for it would have to be spent in London on high fees to London lawyers, and luxurious living. That was a very serious defect. As regarded the reclamation of waste lands the very same thing would happen. He (Mr. Fay) himself was about projecting a company for the reclamation of certain slob-land. It would, he believed, have been a great commercial success; but everyone seemed anxious to avoid an immediate investment of ready money for expenditure in London. Send them back to Ireland, where their legal expenses would be about one-tenth of what they were here, and their witnesses and other expenses infinitesimal. From the point of knowledge of the facts, surely the Irish Peers and Commons were the best judges of Irish wants and Irish witnesses. For his part, when, six years ago, he came first to that House a very glutton for work, he found himself appointed a Member of a Committee on a mixed group of Welsh, English, and Scotch Bills. His first look at the Paper finished him, and he had never served on a Committee since. The Bill that headed the list was a railway from some place in Wales to some other place in the same Principality. The two names were composed of the letters C F B and W thrown together, apparently without any regard

to pronunciation. He had never heard of them before or since, for he had a fixed idea that the Bill was a sort of conundrum intelligible only to Welsh people. The next Bills were either Scotch or English, relating to water-works, and a turnpike in places he had never heard of. He asked himself could he conscientiously do his duty in respect of a Bill about which he knew nothing and cared less; and he considered it his duty to plead professional engagements and leave room, perchance, for some Welsh Gentleman, who might solve the puzzle of the Welsh names, or for some Scotch or Englishman who took an interest in the water supply or turnpikes affected by these Bills. He maintained that with a system such as he advocated the expenses would be so materially reduced that they would be able to undertake measures for the improvement of land and for giving greater facilities for locomotion to people throughout the country. Well, now, what could be the objection to trust Irish Peers and Members with these local inquiries? Had the Irish Peers shown themselves open to corruption, or had the Irish Members, of no matter what politics, a single shadow been thrown on their honour as Committeemen of this House, and they had acted as such ever since the Union? Surely, if such was the case, they might be trusted in their own country to do their own work. Look to the whole controlling parties of Ireland—Judges, Superior and County Courts, magistrates, corporations, Poor Law Boards—where was there a spot upon their reputation? But they might say—What about the Provisional Order system of the Local Government Board? The answer was—The Irish people would have none of it; they would not have a few unsympathetic paid clerks, unacquainted with the people and their wants, deciding on the wishes of the elective bodies, whether corporate, company, or otherwise. They had never worked in harmony with the people, and their dealings with local bodies had been very unsatisfactory. It would be a misfortune if a practical measure like the present were not accepted by the Government, or, at any rate, so far favoured as that they would be disposed to institute an inquiry into the necessity of establishing such a system as he proposed. He would, indeed, be sorry to impede in any way Her Majesty's Government in the discharge

Mr. Fay

of those duties which this short Session rendered urgent. Should Her Majesty's Ministers see their way to the appointment of a Committee on the subject, or the more extended one indicated by the speech of the Prime Minister at Mid Lothian, he would be perfectly satisfied. The hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Fay.*)

DR. CAMERON said, he had had no intention of interposing in the debate at so early a period, although his name was on the back of the Bill, and he only did so because no one else had risen. He regretted that the Treasury and the front Opposition Benches were both alike conspicuous by their emptiness, for this was a Bill of great importance; and what he wished to insist upon was the necessity of some legislation of this kind, not only for Ireland, but for Scotland and England. They felt in Scotland quite as much as was the case in Ireland the need of some local tribunal to dispose of their Local Bills. As to the details of the measure, he would not enlarge upon them, or discuss whether they ought to remedy the evil by perambulating Committees of this House, or a system of legislation by Provisional Order; but he contended that if they were to set to work to devise the very worst possible system of Private Bill legislation, they could hardly by any possibility devise a worse than the system which at present prevailed in Parliament. His own experience in connection with the city he represented had been as unfortunate as had been the case of Dublin in the instances referred to by his hon. Friend (*Mr. Fay*). Glasgow was continually in the Committee-rooms upstairs, and was always spending large sums of the money of the ratepayers in expenses, either when obliged to come there for needed improvements, or when dragged there by its neighbours. What sort of tribunal did they find? Those cases in which the city was interested, involving enormous sums of money and enormous interests, might be disposed of before a tribunal consisting of a majority of Members who had never sat upon a Private Bill Committee before. He (*Dr. Cameron*) himself had sat upon one group of Private Bills on a Com-

mittee on which three Members were new Members who knew nothing whatever of the proceedings of the House of Commons, and knew nothing of the traditions or the Rules which regulate them. So long as they had learned Gentlemen of the long robe to guide them, they did not go very far wrong; but when the opposition to a Bill was withdrawn they found themselves in a mess in settling the clauses. One clause after another came up, and the whole discussion then turned on whether these clauses were approved of by *Mr. Speaker's* counsel or by *Lord Redesdale's* counsel. Were those Gentlemen, however able or however eminent, to be the tribunal to settle clauses materially affecting the interests and liberty of the lieges in this country, and was it the function of a Committee simply to endorse their views? No worse tribunal could, in fact, be devised than that which now existed. They had no need to go further than that day for an example. There were a number of Committees upstairs; but in consequence of the interesting scene being transacted in this House about *Mr. Bradlaugh*, the Members of those Committees left the Committee-rooms, and the persons who had the Private Bills there were obliged to keep over for another day their witnesses, to refresh their counsel, and to have the whole of their business retarded. If they had perambulating Committees, going about the country and instituting inquiries, they would, of course, report to this House, and then legislation would proceed on precisely the same lines as it did at the present moment. He did not say that would be the best possible solution of this question; but it was a very simple solution. It did not deprive the House of its jurisdiction. It simply left the Committee to take evidence in Ireland, instead of in a Committee-room of this House. An eminent authority, the President of the Local Government Board (*Mr. Dodson*), while Chairman of Ways and Means proposed another system—that evidence should be taken by a perambulating Commission, or other tribunal, and that upon that evidence legislation should proceed by way of Provisional Order. That system was not open to the objection of local legislation originating in Provisional Orders of the Local Government Board, which he objected to quite as strongly as anyone. He thought a

rawn; otherwise I shall feel it my duty to move the Previous Question, and, as a matter of form, I must take that step now, in the possibility of the hon. Member not complying.

Motion made, and *Previous Question* proposed, "That that Question be now put."—(*Mr. William Edward Forster.*)

SIR EARDLEY WILMOT saw no reason why Irish professional men should not have the advantage of conducting these inquiries in their own country. At the same time, he thought Irish Members should be content with the assurance given by the Chief Secretary for Ireland, and withdraw the Bill. He was satisfied that whatever the right hon. Gentleman said he meant.

MR. M'LAREN said, he took an interest in this Bill, because the same principle as was contained in it was applicable to Scotland. There was in it a demand that had been made there for many years. The evil was felt very strongly indeed in the North, and a desire for some such arrangement was most universal amongst those who had to do with private legislation. He did not, however, agree with the clauses of the Bill, as he thought it would be easy to establish a better plan.

An hon. MEMBER wished to suggest to the right hon. and learned Gentleman the Attorney General for Ireland that, as he had expressed his approval of the principle of the Preamble, he would, probably, when they came to deal with the measure, as promised by the Chief Secretary for Ireland, find it useful to look into the provisions of two Bills which were brought in on this subject in 1872 by Mr. Pim and others, because he thought that, to a certain extent, the first part of the Bill was defective. By looking at the Bills to which he referred, any valuable suggestions might be received by the right hon. and learned gentleman.

MR. FAY, out of deference to the statement of the Chief Secretary for Ireland, asked leave to withdraw the bill. He was much obliged to the right hon. Gentleman for the cordial answer he had given.

Motion, by leave, *withdrawn*.

Original Motion, by leave, *withdrawn*.

Bill *withdrawn*.

Mr. W. E. Forster

MIDDLESEX LAND REGISTRY BILL

(*Mr. Hopwood, Mr. Gregory, Sir Thomas Chambers.*)

[BILL 142.] SECOND READING.

Order for Second Reading read.

MR. HOPWOOD, in moving that the Bill be now read a second time, said that it originated in the wants of a large number of building societies, who were much interested in the proper registration of land titles, and the object of which was to make a registry which had existed for more than 100 years, and was confessedly in a most complicated and useless state, a working registry assuring people interested in the purchase and conveyance of land something like certainty of title by establishing a system of registration similar to what prevailed in Scotland. The Bill was practically that which the Judge Advocate General (Mr. Osborne Morgan) introduced last Session, and he trusted it would meet with favourable consideration at the hands of the Government. The Bill commenced by repealing the statute of Queen Anne relating to the registration of land, and proposed to bring the matter under the direction of the Lord Chancellor as far as the regulation of the system was concerned. He further proposed that all the necessary local description of the property should be registered, and that its operation should extend not merely to the county of Middlesex, its original limit, but to the Metropolis generally, as defined by the Metropolis Local Management Act. The hon. and learned Member concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Hopwood.*)

MR. OSBORNE MORGAN said, that at the commencement of last Session, as Chairman of the Committee which had sat to consider this question, he introduced a tentative measure, founded on the Scotch system. The Bill, before the House was practically the same measure; and speaking, as he did on behalf of the Government, he found himself in the awkward position of having to oppose its second reading. In the language of the late Prime Minister, "a good deal had happened" since the time of which he had spoken, and the Gov-

ment had promised to lay before Parliament measures dealing with the whole question of land transfer, of which this question of registration formed a part. Under those circumstances, it could hardly be expected that at this stage of the Session they would be prepared to enter into a piece-meal discussion of this particular measure. He trusted that the hon. and learned Gentleman would be satisfied with his promise that the Government would give the subject their best attention, and would not press his measure.

MR. GREGORY, approving of the principle of the Bill, expressed his regret that the Government were not prepared to accept it at once; but trusted they would deal with the question at as early a period as possible.

SIR HENRY JACKSON hoped there would be time before the House adjourned to move a direct negative to a Bill which, although an apparently innocent, was really a most objectionable measure. It was an amiable attempt to patch up a system which every lawyer knew by experience to be very costly, and, if not mischievous, at best useless in its effect, and instead of amending it would, by continuing the system of registration of assurances, tend to keep back the reform of land transfer, which, in his judgment, depended entirely on registration of title. He begged to move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir Henry Jackson.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. HOPWOOD signified his willingness to withdraw the Bill.

MR. CHARLES LEWIS thought it scarcely satisfactory that, because the Government entertained some grand views on the subject of the reform of the Land Laws, all practicable measures dealing with the question were to be set aside. He condoled with the right hon. and learned Member for Denbighshire (Mr. Osborne Morgan) and with the right hon. and learned Member for Stockport (Mr. Hopwood), at having the duty cast upon them of stifling with their own hands their own offspring; but he trusted that next Session the measure would be re-introduced.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

CONTAGIOUS DISEASES ACTS (1866-9).

Select Committee appointed, "to inquire into the Contagious Diseases Acts, 1866-9, their administration, operation, and effect:"—Power to send for persons, papers, and records; Five to be the quorum.

Ordered, That all Reports and Returns thereto relating be referred to the Committee.

Ordered, That it be an Instruction to the Committee, That they have power to receive evidence which may be tendered concerning similar systems in British Colonies or in other Countries, and to report whether the said Contagious Diseases Acts should be maintained, extended, amended, or repealed.—(*Mr. Secretary Childers.*)

And, on July 9, Committee nominated as follows:—MR. CAVENDISH BENTINCK, MR. STANSFELD, Colonel ALEXANDER, SIR HARCOURT JOHNSTONE, Viscount CRICHTON, MR. BURT, MR. O'SHAUGHNESSY, MR. OSBORNE MORGAN, MR. BRASSEY, MR. CORBOLD, General BURNABY, SIR HENRY WOLFF, MR. ERNEST NOEL, Colonel DIGBY, and MR. WILLIAM FOWLER:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at Five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 24th June, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—Judicial Factors (Scotland)* (98); General Police and Improvement (Scotland) Provisional Order (Broughty Ferry)* (99).

Second Reading—Great Seal* (90); Universities of Oxford and Cambridge (Limited Tenures)* (91); Universities and College Estates Act Amendment* (92).

Committee—Report—Local Government (Ireland) Provisional Orders (Dublin, &c.)* (80).

Third Reading—Burials (89), and passed.

BURIALS BILL—(Nos. 73, 86, 89.)

(*The Lord Chancellor.*)

THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^d."—(*The Lord Chancellor.*)

THE ARCHBISHOP OF YORK said, that the rural clergy were extremely agitated

system might be devised upon the lines proposed by the right hon. Gentleman the Member for Chester, which would meet the difficulties of the case quite as well or better than this Bill. But assuredly something should be done, and that speedily. The want which this Bill was introduced to supply was a want participated in to the full extent by Scotland and England, quite as much as it was by Ireland. He believed that the want of some such provision for the settlement of local questions as was contained in this Bill had done more to strengthen Home Rule, in the sense in which the expression was generally used in Great Britain, than any other thing. [Mr. PARNELL dissented.] The hon. Member for Cork (Mr. Parnell) shook his head. There was no necessity for introducing any acrimony into the discussion of this question. But in Glasgow a great number of persons were constantly complaining of the necessity of coming up to London to settle every small question, and were asking if Home Rule would not do away with that necessity and difficulty. It would; but that was not the question before them. The question was whether it could not be equally well settled by such a proposal as that contained in the Bill, and whether the Members of the House could not find themselves more in accord in adopting such a proposal than by waiting until they could carry the more extensive and radical measures of Home Rule. He had great pleasure, as the Representative of a Scotch constituency, in supporting the Bill; and he trusted that the Government would deal with the question involved in its principles speedily, and not with reference to Ireland only, but with reference to Scotland and England also.

MR. GREGORY said, that, so far his experience went, the Committees of the House of Commons and Lords did justice with regard to all Private Bills. As regarded the clauses which were inserted, they were, in all cases scrutinized by the counsel of the Chairman of Committees in the one House and of the Speaker in the other, who could be entirely relied upon. Committees of the House were very jealous of local inquiries, and he had seen them upset after considerable outlay. Local inquiries had worked satisfactorily enough when their deci-

sions were given effect to in Provisional Orders; but, otherwise, they had generally resulted in failure, of which Lord Dalhousie's Commission was a remarkable illustration. He thought, however, that a good deal of unnecessary expense was incurred in bringing witnesses to London to give evidence on merely local questions.

COLONEL COLTHURST said, in the few observations which he would make he would confine himself to the effect the proposed Bill would have if adopted upon the great industrial efforts and improvements made in Ireland. He might instance railway companies; and he could state that if it were not for the great expense attending Private Bills a great many more railway works would be set on foot. In the Bill recently before Parliament it was proposed that the extension of railways should be left to presentment sessions; and if a local inquiry was held in every case, it would have the effect of preventing the adoption of chimerical or bogus schemes. There was another important point—namely, the reclamation of waste lands—and in these he included lands which were only partially drained. To carry out to any extent a scheme for the reclamation of land it was necessary to come to Parliament for fresh powers to undertake them, and this would involve a great cost, which would have the effect of preventing any action from being taken. Inquiries held in Ireland then would facilitate such useful operations as the drainage of waste lands. Then in regard to the fishing population, a great deal could be done in the way of starting some 10 or 12 fishermen to maintain a number of boats together. Under present circumstances, that would necessitate great expense; but local inquiry would do much to meet the difficulty, and it was admitted by a Gentleman on the Treasury Bench that some change in the present system of dealing with Private Bills was desirable. He thought it would not be difficult to define the remedy. If local inquiries with regard to the development of Irish industries could be established, he had no doubt that substantial benefit would result therefrom. If the House did not approve of the details of the Bill, he hoped that it would affirm the principle.

MR. P. MARTIN hoped the House would affirm the principle of the Bill

Dr. Cameron

The clergy of his diocese felt strongly that the provision would not prevent non-Christian services, the more especially as the clause did not provide any penalty for non-Christian services, though there was for disorderly services. Whatever might be its intention, the clause was practically inoperative, and he believed it would vanish from the Bill. The Convocation Clause, which referred to certain amendments of the Burials Rubrics carried in Convocation, and scheduled in the Bill, was a practical matter, and deserved the serious attention both of the clergy and laity of the Church of England. Briefly, it amounted to this—that whereas under the existing Burial Laws of the Church there were three classes of persons over whom the Burial Service might not be read, the amended Rubrics in the clause would allow the clergy, with the consent of the kindred of the deceased, to read two alternative services. The title was not his, but he knew that they had already been styled second and third-class Burial Services. That did not remove the real grievance of the clergy, which was that at present they were obliged to read the Burial Service over the greatest reprobate, if he had been baptized or had not committed suicide. Under this Bill the clergy would be obliged to bury those persons whom the Dissenting ministers might have pronounced to be too bad for them to bury. On the other hand, what relief was offered to the clergy? They might read over these unhappy deceased persons who were thus handed over to them one or other of the alternative Burial Services, provided they obtained the consent of the very persons who had the most special and intense interest in refusing that permission, and in preventing dishonour from being done to the remains of their relations, and a slur from being cast on the family under the provisions of this Act. Was it probable or possible that the clergy would feel a sense of relief in such a provision as that? Human nature throughout the dioceses of England generally was an average human nature, and it was against human nature if it was expected that this clause would be largely successful in relieving the clergy. He asked their Lordships to look at the enormous price which the clergy had to pay for the boon, small as it was, of having an alternative service. If the

clause passed, this would be the result. The clergy would be compelled to give a certificate of character to every one of the parishioners they buried. If they performed the full Burial Service, that would amount to a declaration that the deceased was worthy of it; if they did not, that would be declaration that the deceased was not worthy of it. That was a painful and terrible dilemma in which to place the clergy. But he would also ask how it would affect the laity? Were they to assent to the imposing of a necessity on clergymen of pronouncing a *post mortem* judgment in the case of every member of their families who died, and authorize the clergy to go to kindred and friends and worry them as to the form of the Burial Service? Who were “the kindred” under this Bill? Would the cousin, or the cousin once removed, come within that category? The next of kin might be a person who differed from the deceased in religion, or between whom and the deceased there had been positive enmity. He might be a person whom the deceased had disinherited. Was the kinsman who had been cut off with a shilling to come and consult with the widow as to the prayers which were to be read over the person who had cut him off? The most rev. Primate and some of his right rev. Brethren were so enamoured of this clause, that they were ready to run the risk of wrecking the Bill in August next by re-inserting it. On account of it they rose to a height of courage in favour of the Bill to which he did not feel himself able to ascend. The most rev. Primate advocated the clause as embodying a recommendation of Convocation and removing a grievance suffered by the clergy. It did remove one grievance, but it was by inflicting another. He ventured to say that such a clause would stir up strife and bitterness in every parish in the land. Instead of the small grievance which existed now between the clergy and the Dissenters, it would lead to a much larger one between the clergy and their parishioners. He might mention that, at a large and important meeting of the clergy in his own diocese, held on the preceding day, the conclusion was come to that the clause would give rise to more painful difficulties and more occasions of strife in parishes than it removed, and they, therefore,

ing of the Bill. It simply established a principle of a general character, and certainly would be of enormous advantage in relieving the House of what had been over and over again complained of—not from one side, but from both sides of the House—namely, that they undertook a vast quantity of Business which they found it utterly unable adequately to perform. The noble Lord the present Secretary of State for India, in strong terms, had regretted the House had to undertake Business which it was totally unable to discharge. That was the strongest argument for the transfer to local bodies of a great portion of the legislation undertaken by the House; and the noble Lord said the House would give a favourable consideration to any proposal which might desire to transfer to local bodies business of a character which might be transacted by them. The Bill was not one introduced by a section of Irish Members alone, but had received very general approval; and he hoped, under these circumstances, the House would agree to its second reading.

MR. FOLEY said, he thought the Bill was necessary, not so much in the interest of railway companies, or the promoters of various undertakings, as in the interest of the ratepayers who had to pay for them. He contended that great cost was incurred, in many instances, when difficulties arose, without the ratepayers frequently having an opportunity to express an opinion until the measure was absolutely adopted. In his own township, a loan of £10,000 was required, and it cost £6,000 to obtain that loan; so that the ratepayers had to pay £16,000 when they could only expend £10,000. He believed local inquiries on the spot concerned would obviate many of the present difficulties and inconveniences; and he therefore trusted the House would agree to the second reading of the Bill.

PARLIAMENTARY OATH (MR. BRADLAUGH).

ARREST OF MR. BRADLAUGH.

The Serjeant at Arms informed the House that, in obedience to the Order of the House of this day, and in conformity with Mr. Speaker's Warrant, he had taken Mr. Charles Bradlaugh into his custody.

Mr. P. Martin

LOCAL INQUIRIES (IRELAND) BILL.

SECOND READING.

Debate resumed.

SIR HARCOURT JOHNSTONE said, his experience was that it was not at all advisable that the whole of the Private Bill Business of the country should be transacted upstairs; and he thought the measure of the hon. Member for Cavan (Mr. Fay) was well worthy of consideration, and might be extended to Scotland, and, perhaps, to portions of England. The present system was a great scandal, and on the ground of economy alone a complete change was necessary. It was a system which common sense and public opinion would not long tolerate, especially as it had a tendency to restrict industrial enterprise. It formed one of the strongest arguments for Home Rule. Complaints were also frequently made of the arbitrary ruling of the autocrat in "another place."

MR. BLAKE, in supporting the Bill, said, there were many useful enterprises that were rendered impossible or were retarded on account of the expense and inconvenience of the present system of Parliamentary inquiry. As an instance, he would refer to the case of Waterford, from whence a Bill was presented for the benefit of the town, which the Commons passed, but which the Lords rejected through mere capriciousness. The expenditure for the promotion of this Bill—£1,400—fell upon the promoters, and the locality was deprived of a Bill which would be of the greatest possible advantage. If the preliminary stages of the Bill had taken place in Ireland instead of London, Waterford would now be deriving one advantage of having a most useful measure in operation.

MR. LITTON said, the measure before the House was one upon which Irish Members were almost, if not entirely, unanimous, and great weight ought, he thought, to be attached to the fact that Gentlemen representing large constituencies in Ireland were of the same opinion on the subject. It was not only the matter of expense in connection with large undertakings; but rather in many of the small matters that the grievance was felt. The cost of promoting schemes moderate in themselves was so great that many small improvements, which would have brought great and last-

The clergy of his diocese felt strongly that the provision would not prevent non-Christian services, the more especially as the clause did not provide any penalty for non-Christian services, though there was for disorderly services. Whatever might be its intention, the clause was practically inoperative, and he believed it would vanish from the Bill. The Convocation Clause, which referred to certain amendments of the Burials Rubrics carried in Convocation, and scheduled in the Bill, was a practical matter, and deserved the serious attention both of the clergy and laity of the Church of England. Briefly, it amounted to this—that whereas under the existing Burial Laws of the Church there were three classes of persons over whom the Burial Service might not be read, the amended Rubrics in the clause would allow the clergy, with the consent of the kindred of the deceased, to read two alternative services. The title was not his, but he knew that they had already been styled second and third-class Burial Services. That did not remove the real grievance of the clergy, which was that at present they were obliged to read the Burial Service over the greatest reprobate, if he had been baptized or had not committed suicide. Under this Bill the clergy would be obliged to bury those persons whom the Dissenting ministers might have pronounced to be too bad for them to bury. On the other hand, what relief was offered to the clergy? They might read over these unhappy deceased persons who were thus handed over to them one or other of the alternative Burial Services, provided they obtained the consent of the very persons who had the most special and intense interest in refusing that permission, and in preventing dishonour from being done to the remains of their relations, and a slur from being cast on the family under the provisions of this Act. Was it probable or possible that the clergy would feel a sense of relief in such a provision as that? Human nature throughout the dioceses of England generally was an average human nature, and it was against human nature if it was expected that this clause would be largely successful in relieving the clergy. He asked their Lordships to look at the enormous price which the clergy had to pay for the boon, small as it was, of having an alternative service. If the

clause passed, this would be the result. The clergy would be compelled to give a certificate of character to every one of the parishioners they buried. If they performed the full Burial Service, that would amount to a declaration that the deceased was worthy of it; if they did not, that would be declaration that the deceased was not worthy of it. That was a painful and terrible dilemma in which to place the clergy. But he would also ask how it would affect the laity? Were they to assent to the imposing of a necessity on clergymen of pronouncing a *post mortem* judgment in the case of every member of their families who died, and authorize the clergy to go to kindred and friends and worry them as to the form of the Burial Service? Who were “the kindred” under this Bill? Would the cousin, or the cousin once removed, come within that category? The next of kin might be a person who differed from the deceased in religion, or between whom and the deceased there had been positive enmity. He might be a person whom the deceased had disinherited. Was the kinsman who had been cut off with a shilling to come and consult with the widow as to the prayers which were to be read over the person who had cut him off? The most rev. Primate and some of his right rev. Brethren were so enamoured of this clause, that they were ready to run the risk of wrecking the Bill in August next by re-inserting it. On account of it they rose to a height of courage in favour of the Bill to which he did not feel himself able to ascend. The most rev. Primate advocated the clause as embodying a recommendation of Convocation and removing a grievance suffered by the clergy. It did remove one grievance, but it was by inflicting another. He ventured to say that such a clause would stir up strife and bitterness in every parish in the land. Instead of the small grievance which existed now between the clergy and the Dissenters, it would lead to a much larger one between the clergy and their parishioners. He might mention that, at a large and important meeting of the clergy in his own diocese, held on the preceding day, the conclusion was come to that the clause would give rise to more painful difficulties and more occasions of strife in parishes than it removed, and they, therefore,

merely because the recital of its object was correct. It was necessary to see that the object was likely to be attained. Now, here, he must say, he could not find in the enacting clauses any principles, except that of committing inquiries to a Parliamentary Committee sitting during the Recess, thereby causing the difficulties to which he had alluded. He admitted that the present was a state of things which should not continue, and he hoped before very long means would be devised to put an end to it, so that Inquiries as to the desirability of constructing railway, water, and other works for particular localities should be conducted by some process the better part of which would be conducted on the spot and not in the House; but he could not see his way to accepting the method proposed in the Bill. He hoped, under those circumstances, the Bill would not be pressed.

MR. O'SHAUGHNESSY said, if these proceedings had taken place in a Committee Room, and had the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) been in the position of Chairman, the decision which he had just announced would have found expression in a phrase very favourable to the progress of a Bill—namely, "The Preamble is proved." The necessity of legislation was admitted, and such legislation could not be very long delayed. He regretted very much that the hon. and learned Member for Tipperary (Mr. P. J. Smyth), who introduced the Bill on a previous occasion, was precluded by form from taking part in the debate. He had only arrived at a time when the proceedings of the House were somewhat interrupted, and so had not yet taken the Oath. Had he been present, he would have been able to suggest Amendments which might be introduced in Committee, and which would remove those difficulties to which the Attorney General for Ireland had referred. Those difficulties, especially the delay, were, no doubt, of a very substantial character; but he would have expected from a Gentleman holding the position of the Attorney General for Ireland, and who admitted the principle, that he would have given the House the benefit of his known experience, and have suggested a way in which the difficulties could be removed. He, however, had not done so; but he had dimly referred to some machinery by which

those inconveniences could be removed, and these private measures dealt with in Ireland. Now, he (Mr. O'Shaughnessy) would have the assent of the whole Home Rule Party in giving the right hon. and learned Gentleman this warning and this information—that it would be found utterly impossible to transfer to any but an elected Irish body, and to a body possessing the hereditary qualifications for legislation like the Irish Peers, the right to deal with Private Bill legislation. There was in the right hon. and learned Gentleman's speech the foreshadowing of an idea of a new Board of officials of some kind. ["No, no!"] He feared there was a suggestion foreshadowed that, by means of official machinery, this Private Bill Inquiry might be worked out. [The ATTORNEY GENERAL for IRELAND (Mr. Law): No, no!] He feared that suggestion would be made, for, apparently, there was no idea of using the legislative force that came from Ireland; but let this be borne in mind by those who considered the measure—no attempt to transfer to Irish officials the jurisdiction over Private Bills now enjoyed by the House of Commons in London would be entertained by the Home Rule Party. There was an easy means of remedying the defects the right hon. and learned Gentleman referred to; but not by the machinery of the Local Government Board, the Board of Works, or any new Board formed by their side. If it was right and desirable that Irish Peers and Irish Members should consider Irish Bills in Committee in Dublin, it was equally desirable and necessary that they should discharge other duties with regard to Private Bills, and there would be no difficulty about it, as they would meet there after the sitting of Parliament. But he wished to take advantage of the admission of the right hon. and learned Gentleman that some remedy was required to ask what was proposed, and to assure him that any transference of the kind he had mentioned would meet with uncompromising opposition.

MR. W. E. FORSTER: Sir, I can only repeat to a great extent the remarks made by my right hon. and learned Friend the Attorney General for Ireland (Mr. Law). I think the case of the necessity for reform in this matter has been most abundantly proved. It is quite clear there is very great inconvenience in having all these inquiries

the right rev. Prelate. Now, what was the upshot of the right rev. Prelate's speech? It was a speech in favour of Mr. Osborne Morgan's Bill.

THE BISHOP OF PETERBOROUGH: Hear, hear!—in preference to this.

THE ARCHBISHOP OF CANTERBURY said, he was not in favour of Mr. Osborne Morgan's Bill; but he thought the Bill now before the House was a fair mode of treating the question. On the one hand, it met a demand made by the Nonconformists; and on the other, there was a concession made to the clergy of the Church of England. Whatever might have been the motives of his right rev. Brother in assisting to draw up the recommendations of Convocation, he could say that if his right rev. Brother meant those recommendations to be a means of preventing their Lordships from ever taking up the Burials Bill, certainly that was not the view of the majority of those who concurred in them. He understood that the right rev. Prelate was not in favour of the clause which prescribed the character of the service which might be conducted at the grave; but, seeing that it was a safe-guard for Christian services, he was surprised that his right rev. Brother should have so expressed himself in regard to it as to lead possibly to its ultimate omission from the Bill. He had yet to learn that it was likely that their Lordships would approve of what his right rev. Brother seemed to say—namely, that they ought, on principles of religious equality, to permit secular services in their churchyards.

THE BISHOP OF PETERBOROUGH begged the most rev. Prelate's pardon. He had said that he valued the clause highly because of its assertion that the burial should be Christian, but thought in practice it would be inoperative.

THE ARCHBISHOP OF CANTERBURY thought it very undesirable that on such a point the right rev. Prelate should have expressed himself in such a way as to lead to a misapprehension of his words. He had understood the right rev. Prelate, by way of objection, to say that to introduce the word "Christian" was in opposition to the principle of religious equality.

THE BISHOP OF PETERBOROUGH rose to Order. The statement of the most rev. Prelate was a misrepresentation of his words.

THE ARCHBISHOP OF CANTERBURY said, he had certainly understood his right rev. Brother to argue against the retention of the word "Christian," both on the ground he had already stated, and because the introduction of the word would not prevent Mormons and other sects from having secular services. Moreover, his right rev. Brother had argued that the principle of accepting a man's declaration that he was a Christian would enable anyone to get permission for a non-Christian service by declaring himself a Christian one day, though he might not make the same profession the next. The speech of his right rev. Brother was calculated to do infinite mischief to the Bill and infinite mischief to himself. He thought that, on cool and calm reflection, the right rev. Prelate would come to the conclusion that it would have been better for the Church, for their Lordships' House, and for himself, that he had not made these remarks on the word "Christian;" for certainly they were calculated to encourage an effort in the other House of Parliament to have it expunged. It was very undesirable that a Prelate of the Church of England should before that House even appear to argue against the introduction of the word "Christian" into such a Bill as this, and to vilify those who claimed liberty of conscience and the right to perform their ministrations in the churchyards, by saying that to-day they would declare themselves Christians, and to-morrow assume the character of heathens. He spoke with some warmth, because he thought the occasion required it. While he (the Archbishop of Canterbury) took upon himself the whole blame which his right rev. Brother seemed to impute to him, of being willing to run the risk even of losing the Bill rather than lose its religious character, he believed that, in expressing himself as he had done upon this particular point, he was expressing the general feeling both of the clergy and of the laity in this country.

THE BISHOP OF PETERBOROUGH hoped the House would not accept the interpretation put upon his words by the most rev. Prelate. It would be in the recollection of the House that he had said not one word against the word "Christian." On the contrary, he expressed his approval of it as a testimony of the opinion of the Legislature that

drawn; otherwise I shall feel it my duty to move the Previous Question, and, as a matter of form, I must take that step now, in the possibility of the hon. Member not complying.

Motion made, and *Previous Question* proposed, "That that Question be now put."—(*Mr. William Edward Forster.*)

SIR EARDLEY WILMOT saw no reason why Irish professional men should not have the advantage of conducting these inquiries in their own country. At the same time, he thought Irish Members should be content with the assurance given by the Chief Secretary for Ireland, and withdraw the Bill. He was satisfied that whatever the right hon. Gentleman said he meant.

MR. M'LAREN said, he took an interest in this Bill, because the same principle as was contained in it was applicable to Scotland. There was in it a demand that had been made there for many years. The evil was felt very strongly indeed in the North, and a desire for some such arrangement was almost universal amongst those who had to do with private legislation. He did not, however, agree with the clauses of the Bill, as he thought it would be easy to establish a better plan.

An hon. MEMBER wished to suggest to the right hon. and learned Gentleman the Attorney General for Ireland that, as he had expressed his approval of the principle of the Preamble, he would, probably, when they came to deal with the measure, as promised by the Chief Secretary for Ireland, find it useful to look into the provisions of two Bills which were brought in on this subject in 1872 by Mr. Pim and others, because he thought that, to a certain extent, the first part of the Bill was defective. By looking at the Bills to which he referred, many valuable suggestions might be received by the right hon. and learned Gentleman.

MR. FAY, out of deference to the statement of the Chief Secretary for Ireland, asked leave to withdraw the Bill. He was much obliged to the right hon. Gentleman for the cordial answer he had given.

Motion, by leave, *withdrawn*.

Original Motion, by leave, *withdrawn*.

Bill *withdrawn*.

Mr. W. E. Forster

MIDDLESEX LAND REGISTRY BILL.

(*Mr. Hopwood, Mr. Gregory, Sir Thomas Chambers.*)

[BILL 142.] SECOND READING.

Order for Second Reading read.

MR. HOPWOOD, in moving that the Bill be now read a second time, said, that it originated in the wants of a large number of building societies, who were much interested in the proper registration of land titles, and the object of which was to make a registry which had existed for more than 100 years, and was confessedly in a most complicated and useless state, a working registry, assuring people interested in the purchase and conveyance of land something like certainty of title by establishing a system of registration similar to what prevailed in Scotland. The Bill was practically that which the Judge Advocate General (Mr. Osborne Morgan) introduced last Session, and he trusted it would meet with favourable consideration at the hands of the Government. The Bill commenced by repealing the statute of Queen Anne relating to the registration of land, and proposed to bring the matter under the direction of the Lord Chancellor as far as the regulation of the system was concerned. It further proposed that all the necessary local description of the property should be registered, and that its operation should extend not merely to the county of Middlesex, its original limit, but to the Metropolis generally, as defined by the Metropolis Local Management Act. The hon. and learned Member concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Hopwood.*)

MR. OSBORNE MORGAN said, that at the commencement of last Session he, as Chairman of the Committee which had sat to consider this question, had introduced a tentative measure, founded on the Scotch system. The Bill now before the House was practically the same measure; and speaking, as he did, on behalf of the Government, he found himself in the awkward position of having to oppose its second reading. In the language of the late Prime Minister, "a good deal had happened" since the time of which he had spoken, and the Govern-

ment had promised to lay before Parliament measures dealing with the whole question of land transfer, of which this question of registration formed a part. Under those circumstances, it could hardly be expected that at this stage of the Session they would be prepared to enter into a piece-meal discussion of this particular measure. He trusted that the hon. and learned Gentleman would be satisfied with his promise that the Government would give the subject their best attention, and would not press his measure.

MR. GREGORY, approving of the principle of the Bill, expressed his regret that the Government were not prepared to accept it at once; but trusted they would deal with the question at as early a period as possible.

SIR HENRY JACKSON hoped there would be time before the House adjourned to move a direct negative to a Bill which, although an apparently innocent, was really a most objectionable measure. It was an amiable attempt to patch up a system which every lawyer knew by experience to be very costly, and, if not mischievous, at best useless in its effect, and instead of amending it would, by continuing the system of registration of assurances, tend to keep back the reform of land transfer, which, in his judgment, depended entirely on registration of title. He begged to move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir Henry Jackson.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. HOPWOOD signified his willingness to withdraw the Bill.

MR. CHARLES LEWIS thought it scarcely satisfactory that, because the Government entertained some grand views on the subject of the reform of the Land Laws, all practicable measures dealing with the question were to be set aside. He condoled with the right hon. and learned Member for Denbighshire (Mr. Osborne Morgan) and with the right hon. and learned Member for Stockport (Mr. Hopwood), at having the duty cast upon them of stifling with their own hands their own offspring; but he trusted that next Session the measure would be re-introduced.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

CONTAGIOUS DISEASES ACTS (1866-9).

Select Committee *appointed*, "to inquire into the Contagious Diseases Acts, 1866-9, their administration, operation, and effect:"—Power to send for persons, papers, and records; Five to be the quorum.

Ordered, That all Reports and Returns thereto relating be referred to the Committee.

Ordered, That it be an Instruction to the Committee, That they have power to receive evidence which may be tendered concerning similar systems in British Colonies or in other Countries, and to report whether the said Contagious Diseases Acts should be maintained, extended, amended, or repealed.—(*Mr. Secretary Childers.*)

And, on July 9, Committee *nominated* as follows:—MR. CAVENDISH BENTINCK, MR. STANSFELD, Colonel ALEXANDER, Sir HARCOURT JOHNSTONE, Viscount CRICHTON, Mr. BURT, Mr. O'SHAUGHNESSY, Mr. OSBORNE MORGAN, Mr. BRASSEY, Mr. COBBOLD, General BURNABY, Sir HENRY WOLFF, Mr. ERNEST NOEL, Colonel DIGBY, and Mr. WILLIAM FOWLER:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at Five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 24th June, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—Judicial Factors (Scotland)* (98); General Police and Improvement (Scotland) Provisional Order (Broughty Ferry)* (99).

Second Reading—Great Seal* (90); Universities of Oxford and Cambridge (Limited Tenures)* (91); Universities and College Estates Act Amendment* (92).

Committee—Report—Local Government (Ireland) Provisional Orders (Dublin, &c.)* (80).

Third Reading—Burials (89), and *passed*.

BURIALS BILL—(Nos. 73, 86, 89.)

(*The Lord Chancellor.*)

THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^d."—(*The Lord Chancellor.*)

THE ARCHBISHOP OF YORK said, that the rural clergy were extremely agitated

about this measure, and expressed a hope that some time might be allowed to elapse between the passage of the Bill and the Act coming into operation, as he believed such an interval would diminish the heart-burning and cause the measure to work much more smoothly than if it came into operation speedily.

THE BISHOP OF PETERBOROUGH, who reminded their Lordships that he had taken no part in the debates or divisions on the Bill, wished to say a few words before the measure reached the House of Commons, where, he believed, its real value would be settled and its fate would be decided. He was not about to trouble their Lordships with any expression of opinion on the principle of the Bill. That principle their Lordships had affirmed, not only on the second reading of this measure, but by a Resolution passed three years ago; and it would be preposterous in him to suppose that anything he could now say would induce their Lordships to alter their determination on that point. He wished, however, to say a few words on the results that he expected to see follow the passing of the Bill. And first, he would remark that he feared it would not be very long before the principle and its corollaries which had been applied in this case would be brought to bear on other acres besides "God's acre." He hoped it would not be so; but he thought he saw symptoms of it in Ireland, and in England a growing tendency in the same direction. He thought their Lordships might anticipate that the Amendments passed on the Motion of the noble Lord opposite (Lord Mount Edgcumbe) and the right rev. Prelate (the Archbishop of York) would vanish in "another place;" for if anyone thought that for the sake of Amendments carried by such narrow majorities, and on which the Episcopate was divided, their Lordships' House would throw out the Bill when it came back to them again, at the risk of keeping the question open for another nine months and getting a worse Bill at the end of that time, he thought that person would find himself mistaken. He remembered the history of the Irish Church Act, and he could not but think that proved it. He wished to express his unfeigned gratitude to the noble and learned Lord on the Woolsack for the anxiety he had shown to do justice to

the clergy; but, in the two essential particulars in which Her Majesty's Government had departed from Mr. Osborne Morgan's Bill, they had not succeeded in effecting what was really desired by the clergy. That he had ascertained to be the feeling of a large majority of the clergy of his diocese. One of the two points to which he referred was the provision that all burials under the Bill should be Christian; the other was the concession to the feelings and difficulties of the clergy known generally amongst them as the Convocation Clause. The former provision was open to the peril arising from the fact that it was a distinct violation of the principle of religious equality. It was perfectly clear that the clause would encounter violent opposition in "another place" from two parties—one, that large party, who hated the Church of England a little more than they loved Christianity; and the second, that smaller but resolute party, who hated Christianity a little more than they hated the Church of England. How far the Government, and especially the Prime Minister, would be able to resist the union of those two forces it was not for him to say. He valued the clause himself, because it was a recognition by the Legislature of the principle that the services in churchyards ought to be Christian; but if those parties succeeded in striking it out of the Bill, he thought that in practice it would very little matter. It seemed to him utterly impossible to frame in any Act of Parliament a definition of Christianity. If anyone could have succeeded in doing that it was the noble and learned Lord on the Woolsack. What the clause in reality did was not to define the nature of the Burial Service, but the profession or denomination of the person who was to perform it. The result was that any service might be used by any person, male or female, who on the occasion professed himself or herself to be a Christian. The Rev. Charles Voysey had written a letter to show that a particular congregation would be precluded from using a really Christian service which contained the Lord's Prayer and extracts from Scripture, because they would not call themselves Christian. A person who professed himself a Christian for a single day and abandoned the title the next day, might succeed in having an un-Christian service performed at the grave.

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dsecration of "God's acre" by allowing it to be used by people whose religious opinions do not agree with theirs. Then, again, there are others who complain of the great hardship they suffer from not being permitted to have a portion of "God's acre." But though I trust that the hour may never arrive when the recognition of a Supreme Governor of this world will cease to be the profession of the inhabitants of this country, still, my Lords, I cannot but feel that this institution of what is called "God's acre," is one which is really not adapted to the country which we inhabit, the times in which we live, and the spirit of the age. What I should like to see would be a settlement of this question by shutting up all "God's acres" throughout the country. I think the churchyard of the Ordained clergyman and the graveyard of the Dissenting minister alike, are institutions which are prejudicial to the health of the people of this country; and their health ought to be, if not the first, at any rate one of the first, considerations of a statesman. Now, we have been moving gradually in the direction of these views, and there has been for some years a notion, soon about to amount, I believe, to a conviction, that the institution of existing churchyards is one highly prejudicial to the public health. I think it would be a much wiser step if we were to say that the time has arrived, seeing the vast increase of population in this country and the further increase which we may contemplate, when we should close all these churchyards, and when we should take steps for furnishing every community with a capacious and ample cemetery placed in a situation in which, while it would meet all the requirements of the society for which it was intended, would exercise no prejudicial influence on the public health. These are views which I am convinced are sound; and if they had been entertained, as ultimately they must be, and if the health of the country had been considered, there would have been no reason whatever for the legislation now before us which, in its ultimate consequences, may be highly prejudicial to this country, and which tends, in my opinion, to keep alive feelings of opposition and mutual distrust among different classes of the population which it would be better to cause to subside

and to discourage. Well, then, I may be asked—"If these be really your opinions, why do you now support this Bill? If you think that it is an unjust and an unwise Bill; if you think that it is a Bill which, in its ultimate consequences, will be hostile to the interests of the Church of England, why are you allowing it to pass the third reading without opposition?" To this I must answer that I support the Bill with great regret, and only because, from what I have observed in this House, I am convinced that opposition would be fruitless, and fruitless opposition is a kind of opposition which I never care much to encourage. When I am frequently appealed to to fight what is called the battle of the Church, I must frankly reply, it is quite impossible to stand up for a privilege which the ordained clergy of this country enjoy, and which, in my opinion, is exercised for the welfare and benefit of the country, when you find that you are opposed in such attempts by the Prelates of the Church of England itself. When the two most rev. Prelates and at least half the Episcopal Bench support a particular course, you cannot persuade the country that in resisting a proposal sanctioned by such high authority you are actuated by any but Party or factious motives. I listened with great attention the other night, when the second reading of the Bill was moved, to the speech of the right rev. Prelate the Bishop of Lincoln; and it appeared to me that a more able and earnest speech than that which he delivered was seldom addressed on this subject to your Lordships. I entirely agreed with the right rev. Prelate on that occasion, and I thought to myself the effect that he has produced is so decided, and the balance of opinions upon subjects of this kind seems so equal, that it will be well to take the opinion of the House. But when I found the right rev. Prelate was answered immediately by the highest authority in the House on such a subject, I felt that it would be almost impossible that the appeal of the right rev. Prelate could succeed. This is why I now think it is in vain to attempt to prevent the progress of this measure. The measure, I feel, in any circumstances would have been a harsh and unjust measure, though there might have been reasons of State which would have justified it. It is necessary some-

desired its omission from the Bill. Three years ago the most rev. Prelate was not so enamoured of the opinion of Convocation and the clergy; and he begged to remind the most rev. Prelate and their Lordships' House that there had been a more recent utterance from the clergy of the Lower House of the Convocation of Canterbury than the recommendation in question. He was sure that when the clergy complained that they were not sufficiently represented in Convocation, and the laity that they were not represented in it at all, rather cold comfort was given them by telling them that this dangerous clause was approved of by Convocation. Moreover, he had to point out that those amended Rubrics re-adopted by Convocation were passed in different circumstances. He took part in framing them, though at the time he expressed misgivings as to the result; but those amended Rubrics were framed, not to form part of a Burials Bill, but to prevent a Burials Bill from being passed. ["Hear, hear!"] Precisely so; and he would add this fact, that these clauses were introduced for the purpose of giving relief to the unbaptized Dissenter, whose case had been supported by no one more powerfully than by the most rev. Prelate who had somewhat sarcastically cheered his remarks. The necessity for the amended Rubrics was therefore gone with this Bill; for, although it was supposed to give relief to the clergy by empowering them to read the shorter service over the unbaptized, yet in case a Baptist came to a clergyman to bury his child, and the clergyman said, "I can only read the inferior service," what would be the answer? "Thank you for nothing, I can have the full service read by myself, or by our own minister." To use the Rubrics of Convocation in this Bill was to use clauses passed with one object for another never intended and never wished for by the authors. The same Convocation which recommended those Rubrics, recommended that there should be no Parliamentary legislation with respect to them till certain of the relations between Convocation and Parliament underwent alteration. This application of the Rubrics was, therefore, in the teeth of that recommendation of Convocation. After this, he trusted they would hear less of the defence of the clause founded on the recommen-

dation of Convocation. He had only further to remark that he was deeply struck, at the meeting he referred to, and in other conferences with the clergy, at the growing readiness to yield to the Bill, when passed, a loyal, patient, and a dignified submission. The clergy felt, rightly or wrongly, that they were deeply wounded by this Bill. He had regarded it as his duty as a Bishop to press on the clergy this consideration—how undignified and how unworthy it would be if they were to offer a petulant obstruction to the Bill; and that their duty was to endeavour that this Bill, when passed, should work with as little friction and as little offence and as much ease and kindness and goodwill as possible. And every one of those present at the meeting rose, one after another, to say how entirely it was their desire, loyally and fairly and honestly to carry out this Act, and to oppose no undue or frivolous obstruction to it. One most rev. Prelate, some nights ago, had referred to the angry letters he had received from clergymen with reference to this Bill. He also had received angry letters; but he could not help thinking that as time went on those feelings would wear away. It was not merely the clergy of the Church of England who would require to exercise forbearance; it was to be feared that there would be on the part of Nonconformists exhibitions of feeling which it would be well that the leaders of that party should do all in their power to prevent. With the view to the better closing of the controversy, he most earnestly appealed to the noble and learned Lord on the Woolsack to allow a few months or a year to elapse between the passing of the Bill and its coming into operation; and he felt certain that in this matter the Bishops and clergy would be true to their Ordination vow, and promote peace and goodwill among those intrusted to their charge.

THE ARCHBISHOP OF CANTERBURY said, he heartily concurred in the closing remarks of his right rev. Brother; but he could not agree in the remarks made by him in the earlier portion of his speech. Whatever his right rev. Brother might think of his views of Convocation, or of the weight to which its resolutions were entitled, Convocation was a better representative of the clergy than was the meeting attended a few days ago by

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deseccration of "God's acre" by allowing it to be used by people whose religious opinions do not agree with theirs. Then, again, there are others who complain of the great hardship they suffer from not being permitted to have a portion of "God's acre." But though I trust that the hour may never arrive when the recognition of a Supreme Governor of this world will cease to be the profession of the inhabitants of this country, still, my Lords, I cannot but feel that this institution of what is called "God's acre," is one which is really not adapted to the country which we inhabit, the times in which we live, and the spirit of the age. What I should like to see would be a settlement of this question by shutting up all "God's acres" throughout the country. I think the churchyard of the Ordained clergyman and the graveyard of the Dissenting minister alike, are institutions which are prejudicial to the health of the people of this country; and their health ought to be, if not the first, at any rate one of the first, considerations of a statesman. Now, we have been moving gradually in the direction of these views, and there has been for some years a notion, soon about to amount, I believe, to a conviction, that the institution of existing churchyards is one highly prejudicial to the public health. I think it would be a much wiser step if we were to say that the time has arrived, seeing the vast increase of population in this country and the further increase which we may contemplate, when we should close all these churchyards, and when we should take steps for furnishing every community with a capacious and ample cemetery placed in a situation in which, while it would meet all the requirements of the society for which it was intended, would exercise no prejudicial influence on the public health. These are views which I am convinced are sound; and if they had been entertained, as ultimately they must be, and if the health of the country had been considered, there would have been no reason whatever for the legislation now before us which, in its ultimate consequences, may be highly prejudicial to this country, and which tends, in my opinion, to keep alive feelings of opposition and mutual distrust among different classes of the population which it would be better to cause to subside

and to discourage. Well, then, I may be asked—"If these be really your opinions, why do you now support this Bill? If you think that it is an unjust and an unwise Bill; if you think that it is a Bill which, in its ultimate consequences, will be hostile to the interests of the Church of England, why are you allowing it to pass the third reading without opposition?" To this I must answer that I support the Bill with great regret, and only because, from what I have observed in this House, I am convinced that opposition would be fruitless, and fruitless opposition is a kind of opposition which I never care much to encourage. When I am frequently appealed to to fight what is called the battle of the Church, I must frankly reply, it is quite impossible to stand up for a privilege which the ordained clergy of this country enjoy, and which, in my opinion, is exercised for the welfare and benefit of the country, when you find that you are opposed in such attempts by the Prelates of the Church of England itself. When the two most rev. Prelates and at least half the Episcopal Bench support a particular course, you cannot persuade the country that in resisting a proposal sanctioned by such high authority you are actuated by any but Party or factious motives. I listened with great attention the other night, when the second reading of the Bill was moved, to the speech of the right rev. Prelate the Bishop of Lincoln; and it appeared to me that a more able and earnest speech than that which he delivered was seldom addressed on this subject to your Lordships. I entirely agreed with the right rev. Prelate on that occasion, and I thought to myself the effect that he has produced is so decided, and the balance of opinions upon subjects of this kind seems so equal, that it will be well to take the opinion of the House. But when I found the right rev. Prelate was answered immediately by the highest authority in the House on such a subject, I felt that it would be almost impossible that the appeal of the right rev. Prelate could succeed. This is why I now think it is in vain to attempt to prevent the progress of this measure. The measure, I feel, in any circumstances would have been a harsh and unjust measure, though there might have been reasons of State which would have justified it. It is necessary some-

all funerals under the Bill should be Christian. What he had argued was that, notwithstanding its value in this respect, it would be practically inoperative. It was a most cruel injustice of the most rev. Prelate to charge him, a Bishop of the English Church, with having so far forgotten himself as to express a desire to exclude the word "Christian" from the clause, so that the Bill should not retain its Christian character. ["Hear, hear!"] He was glad to hear that noble Lords opposite understood the words that fell from his lips. He distinctly asserted that he had made use of no such words; and, as to imputing anything to the most rev. Prelate, the fact was that what he referred to was a different clause altogether—that allowing alternative services to the clergy—and, so far from suggesting that the most rev. Prelate was to blame for desiring to retain the words in question, he was himself desirous of retaining them, although he expressed his belief that they would be inoperative. As to forgetting himself, he was perfectly prepared to again repeat and take the responsibility of what he had said; but, with all humility to one who, although he was his ecclesiastical superior, yet, in that House, should remember that he spoke only as his Peer, he protested against the imputation which, with all the weight of his character and position, the most rev. Prelate had made against him. He never said a word approaching the expression of a wish or desire that the word "Christian," in reference to the services under the Bill, should be omitted from the clause. Such an accusation was monstrous, perfectly monstrous.

THE ARCHBISHOP OF CANTERBURY was extremely glad that the right rev. Prelate had removed a misapprehension, and made a distinct declaration of his wish to maintain the word "Christian;" but he regretted that the right rev. Prelate felt it necessary to adhere to his line of argument in reference to the insertion of that word.

THE EARL OF BEACONSFIELD: My Lords, I think it would have been desirable if the most rev. Prelate and the right rev. Prelate could have managed to be of the same opinion upon this Bill. It is one of great difficulty, and the subject is rendered more perplexing by the opposite opinions given by the right rev. and the most rev. Prelates, which

are so contrary one to the other. I have not now risen to oppose the third reading of this Bill, though my opinion is unchanged as to its character. I think it an unjust and an unwise Bill, and I have not heard any arguments yet which have shown me that all the reasons which have been applied to the churchyards do not equally apply to the churches themselves. I have heard remarks on the subject; but I have heard no arguments against that view of the question. We have been told in the course of the debate something in reference to the Church of Ireland. It was said you disestablished the Church of Ireland, and that was a much greater measure than this, and that although the Roman Catholics had for some years the privilege of using the parish churchyards, they never urged any claim to the possession of the churches. There may be various reasons for that course of conduct. Whatever may be said of the errors of the Roman Catholic Church, no one can impute to it a want of good taste; but as to the Protestant churches of Ireland, they are not such as those who appreciate the beauty of holiness would be particularly anxious to possess. That has been stated as one of the reasons why the Roman Catholic population of Ireland never laid any claim to those churches. But that will not apply to the churches of England, which are beautiful and are made more beautiful every year by the devotion and the taste of the wealthy congregations of this country; but whether that devotion and taste will continue after this Bill passes, and after the consequences of the Bill have been seen, will, I think, be doubtful. This Bill appears to me to be unjust for many reasons, and particularly for one primary reason, which no person has yet grappled with. Every ordained clergyman of the Church of England will be obliged to open the churchyard to all sects, while he is not to enjoy the use of their graveyards for his parishioners in the same parish; and I cannot understand how such inequality could be brought forward in a Bill of this nature, which assumes to be founded on justice and equality. This is not only an unjust Bill, but an unwise one. We hear much about "God's acre." There are those who call upon the House not to sanction the

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confess, I was somewhat astonished at the opposition he raised to the clauses, because that opposition might have been better raised in Committee. I cannot pretend that the right rev. Prelate's speech is one that will assist the Government much in "another place" in obtaining those restrictions which, rightly or wrongly, have met the approbation of your Lordships' House. The right rev. Prelate seemed to me to lay down clearly—though he afterwards explained he was in favour of the restrictions—how they were utterly inconsistent with the principles of religious freedom on which the Bill was supposed to be founded. On the whole, I have only to thank the right rev. Prelate for having reserved his eloquence to this stage of the Bill—an eloquence which, though not of an especially episcopal character, is always appreciated in this House. His speech to-night might at an earlier stage have influenced opinion and affected votes. I am still more grateful to the noble Earl the late Prime Minister for the line which he has taken. He has denounced the Bill as a strong measure. But I am struck by the character of the observations which he has reserved for this period of the question. At an earlier period his remarks might have had a great effect upon the House. I do not doubt for a moment the perfect sincerity of the noble Earl. But I cannot think it was merely the speech of the right rev. Prelate which convinced the late Prime Minister that it was expedient on the whole to settle this vexed question. I must think that there were other considerations. But I must say that, after the very severe denunciation of the Bill by the noble Earl, it is a great satisfaction to me that the only alternative which he can propose is that all the churchyards in the country should be closed. Is the noble Earl aware that that alternative would involve the closing of 12,000 churchyards, many of them in country districts and in a condition not unsanitary? I think, therefore, that I have reason to be grateful to him for his speech to-night, and more especially as he has indicated the only possible alternative course—a course which, I am sure, will be utterly unsatisfactory to your Lordships.

THE EARL OF HARROWBY, who was almost inaudible in the Gallery, was understood to say that he hoped that the

Bill would be loyally accepted by both parties as a final settlement of the question. The proposals of the Bill, he hoped, would be met in a fair and not a hostile spirit by both parties. It was a difficult thing, no doubt, in the course of the discussion to avoid acerbities being developed; but he candidly expressed the hope that after this measure had become law the feelings of both parties would be very different from what they had seemed to be in the past. He trusted there would be no show of victory or defeat on either side—feelings which ought not to arise in regard to such a question.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) trusted that those who would take up this Bill in "another place" would show the same conciliatory spirit which had been displayed during the progress of the Bill in this House. If that were done, a settlement would be arrived at without further delay.

THE LORD CHANCELLOR said, he could not but thank the noble Earl who had just sat down for his wise and very conciliatory and useful remarks to their Lordships in this stage of the measure. It did appear to him that all of them, whatever their opinions might be, were bound to do their best to facilitate such a settlement of this question as should be on the whole best for the peace and harmony of all classes of their fellow-Christians and fellow-subjects. It was with profound regret that he had heard the remarks of the right rev. Prelate (the Bishop of Peterborough). No doubt, those remarks proceeded from the most sincere conviction and the best possible motives; but the speech was of a very different tendency from those to which the House had just listened. In his opinion, the speech of the right rev. Prelate would tend not to promote harmony. But there were two things mentioned by the right rev. Prelate for which he was grateful. In the first place, he was grateful for his kind appreciation of his own sincere endeavours to be just in dealing with this matter—to do all in his power, not, indeed, to make the Bill acceptable to the majority of the clergy, for that he could not do, but, in framing its provisions, to arrive at as just and equitable an arrangement as possible. He owned he saw no better way to

times to make proposals in politics which are unjust to a considerable section of the community in consequence of the demands of the public welfare. But here it was otherwise. I feel, however, that resistance is impossible, and that, in these circumstances, what we should most desire would be that the Bill should pass and should be sent to the other House with those modifying clauses in it which have been introduced by the Lord Chancellor and other Members of your Lordships' House. If they—as I will hope—bear some balm to the injured feelings of the great body of the clergy of the country, I think it highly desirable that they should be passed. But, even if they pass, I cannot but express my regret that this Bill should have ever been introduced, or that there should have been any assumed necessity to have recourse to such legislation. It is in my mind legislation which is opposed to the circumstances in which we live. I think the direction in which we ought to have moved would have been to have shut all these churchyards and graveyards and to have assisted the Government in some adequate proposal which would have furnished the country with cemeteries in which none of these painful controversies could have occurred, and which would have conduced to the preservation of the health and welfare of the country.

EARL FORTESCUE asked for the indulgence of their Lordships while he stated what had been his object in proposing his Amendments, all of which, except one, had been adopted. In his opinion, too many Churchmen, and clergymen especially, had met this question in an unreasonable spirit, and too many Nonconformists in an unfair spirit besides; for, while claiming the churches and churchyards as national property, they had not rested until they were freed from all share in the expense of maintaining and repairing those churches and keeping those churchyards in order. Too much importance was attributed to consecrated ground. He thought that the attitude adopted by many with regard to it was not only unreasonable, but un-Christian in its tendency. They must remember that the remains of the greatest saints and martyrs of our Church had not rested in consecrated ground, nor those of many of the noblest heroes and patriots

of our own and other countries. Revelation taught us that the dead were not affected by burial. The only good to be considered was the good of the living in the widest sense. That good would in this and many other Church matters be best consulted by acting on the principle—"Let all things be done decently and in order." There had been much said on both sides with which he could not sympathize. Still he thought the Dissenters had grievances which ought to be removed in such a way as to prevent the question being re-opened; but that the feelings of the clergy, whether reasonable or unreasonable, should as far as possible be respected. As to gifts of land for churchyards, he thought that such gifts, if of recent date, should, if the donors wished it, be preserved according to their original intention, in order to prevent the flow of such liberality being checked. He had been a donor himself, and he was then making arrangements to extend a churchyard. But his wish was that such land for churchyards as he had given should be open to services of a decent and orderly character on the part of Dissenters. In advocating the preservation of recent gifts for the Church of England, he wished it to be understood that he spoke in deference to the prejudice of others, as he had none of his own.

EARL GRANVILLE: My Lords, having regard to the fact that this is a Government Bill, I must rise to address the House, though I have little to say on this stage of the Bill. It is a subject in which I have taken a great interest, and on which I have spoken at great length at different times; but I do not wish to inflict on your Lordships the arguments I have previously used. I cannot allow myself to think that the Bill is either unjust or harsh, or liable to the severe attack which has been made upon it by the noble Earl (the Earl of Beaconsfield). I rise rather to express my satisfaction at the tone of the debates in this House, and especially in reference to two of its Members, one of them a Prelate on the Episcopal Bench, and the other the late Prime Minister of the country, for the course they have taken in reference to this Bill. I feel exceedingly grateful to the right rev. Prelate for not opposing a measure to which it is known he dissents till the present stage, when it has practically passed the House, though, I

The Earl of Beaconsfield

confess, I was somewhat astonished at the opposition he raised to the clauses, because that opposition might have been better raised in Committee. I cannot pretend that the right rev. Prelate's speech is one that will assist the Government much in "another place" in obtaining those restrictions which, rightly or wrongly, have met the approbation of your Lordships' House. The right rev. Prelate seemed to me to lay down clearly—though he afterwards explained he was in favour of the restrictions—how they were utterly inconsistent with the principles of religious freedom on which the Bill was supposed to be founded. On the whole, I have only to thank the right rev. Prelate for having reserved his eloquence to this stage of the Bill—an eloquence which, though not of an especially episcopal character, is always appreciated in this House. His speech to-night might at an earlier stage have influenced opinion and affected votes. I am still more grateful to the noble Earl the late Prime Minister for the line which he has taken. He has denounced the Bill as a strong measure. But I am struck by the character of the observations which he has reserved for this period of the question. At an earlier period his remarks might have had a great effect upon the House. I do not doubt for a moment the perfect sincerity of the noble Earl. But I cannot think it was merely the speech of the right rev. Prelate which convinced the late Prime Minister that it was expedient on the whole to settle this vexed question. I must think that there were other considerations. But I must say that, after the very severe denunciation of the Bill by the noble Earl, it is a great satisfaction to me that the only alternative which he can propose is that all the churchyards in the country should be closed. Is the noble Earl aware that that alternative would involve the closing of 12,000 churchyards, many of them in country districts and in a condition not unsanitary? I think, therefore, that I have reason to be grateful to him for his speech to-night, and more especially as he has indicated the only possible alternative course—a course which, I am sure, will be utterly unsatisfactory to your Lordships.

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While he (the Lord Chancellor) did not pretend to judge as to the amount of relief to be given to the clergy, he was sure there was no foundation whatever for the suggestion of the right rev. Prelate that, as often as anyone died, it would fall on the clergy to make a classification, giving a certificate of character in some cases, and refusing in others. Unless the friends of the deceased made a request, or expressed their consent otherwise, the clergy would have no option or choice but to perform the full funeral service. There was, therefore, no foundation for that suggestion of the right rev. Prelate. Nor would there be any family council, with all the alarming consequences on which the right rev. Prelate had expatiated. The "kindred or friends" who might request or consent, would, upon a proper construction of the Schedule with the rest of the Bill, be only those who had the charge of, and were responsible for, the funeral. All these remarks were those of one who desired to destroy the whole bill. Convocation had, with the right rev. Prelate's own concurrence, deliberately resolved upon this particular mode of dealing with the subject. He ventured to hope that when this Bill went to the House of Commons, there would be sufficient liberality in that Assembly to induce them to think that, even if you could not give a great measure of relief to the clergy, it was worth while to give such a measure of relief as they had themselves asked for.

Motion agreed to: Bill read 3^d, accordingly: Amendments made: Bill passed, and sent to the Commons.

House adjourned at half past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 24th June, 1880.

[MINUTES.]—New Writs Issued—For Wallingford, *v.* Walter Wren, esquire, whose Election has been determined to be void; for Butehire, *v.* Thomas Russell, esquire, who, having held a Contract entered into for the

The Lord Chancellor

Public Service at the time of his Election to the said Shire, was incapable of being elected for the same.

PUBLIC BILLS—Ordered—First Reading—Industrial Schools * [247].

Second Reading—Customs and Inland Revenue * [221]; Sale of Man (Loans) * [241]; Civil Law Procedure and Judicature Acts Amendment * [229]; Relief of Distress (Ireland) * [244], debate adjourned.

Committee—Merchant Seamen (Payments of Wages, &c.) [119]—R.F.; Wild Birds Protection Law Amendment * [211]—R.F.

Committee—Report—Union Assessment Committee (Single Parishes) * [212]; Salmon and Freshwater Fishery Laws Amendment * [246]; Representation of the People (Ireland) Act (1868) Amendment * [208].

Third Reading—Local Government Provisional Order (Poor Law) * [121]; Consolidated Fund (No. 1) *, and passed.

CONTROVERTED ELECTIONS.

Mr. SPEAKER informed the House, that he had received from Mr. Baron Dowse and Mr. Justice Harrison, two of the Judges selected in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the Election for the County of Louth;

And from Robert Macfarlane Lord Ormrod and John Millar Lord Craighill, two of the Judges selected, in pursuance of the same Act, a Certificate and Report relating to the Election for the County of Bute; and a Report relating to the Election for the County of Dumfriesshire.

COUNTY OF LOUTH ELECTION.

In the matter of an Election Petition presented by George Harley, Petitioner; and Philip Callan, Respondent.

We hereby certify to the Right hon. the Speaker of the House of Commons that the above-mentioned Petition was tried before us on the 14th, 15th, 16th, 17th, 18th, and 19th days of June instant, and that, at the conclusion of the said trial we did, on the 19th day of June instant, determine that the Petition of Philip Callan, whose Election was contested by the said Petitioner, was duly elected to serve in the present Parliament for the County of Louth.

And, in addition to the foregoing Certificate, We hereby further Report to the Right hon. the Speaker that no corrupt practice had been proved to have been committed by any Candidate at the knowledge or consent of any Candidate at such Election.

And, further, that, on the evidence before us, it did not appear that corrupt practices had been generally prevailed at said Election, and we have no reason to believe that corrupt practices had extensively prevail at said Election.

We beg also to state that a copy of said Certificate accompanies this Report, and that we have caused to be forwarded to the House of Commons a copy of the evidence given at the

taken down by the deputy of the short-hand writer of the House of Commons.

Given under our hands, at Dublin, this 21st day of June 1880.

RICHARD DOWSE, Baron of the
Exchequer Division of the
High Court of Justice in Ire-
land,

MICHL. HARRISON, Judge of the
High Court of Justice, Com-
mon Pleas Division, in Ire-
land,

Two of the Judges for the time
being on the rota for the trial
of Election Petitions in Ire-
land.

To the Right Honourable
The Speaker of
The House of Commons.

COUNTY OF BUTE ELECTION.

The Parliamentary Elections Act, 1868.

Election for the County of Bute.

Unto the Right Honourable The Speaker of the
House of Commons.

Report by the Election Judges in Scotland on
the Petition of Archibald McKay, residing
at Osborne Place, Govan, near Glasgow,
J.P. for the County of Bute; Richard Fer-
guson, Ironmonger in Glasgow and Mill-
port; John Duncan, Baker and Confectioner
in Glasgow; Alexander Brown, Nursery-
man, Millport; and Alexander McLean,
Wine and Spirit Merchant, Glasgow, and
residing at Grenholm Villa, Busby, com-
plaining of the Election on sixth April
1880, of Thomas Russell, as Member of
Parliament for the County of Bute.

We, Robert Macfarlane, Lord Ormidale, and
John Millar, Lord Craighill, the two Judges of
the Court of Session for the trial of Election
Petitions in Scotland, have to report that the
Petition in this case (of which a printed copy is
herewith sent and referred to) sets forth two
grounds upon which the said Thomas Russell
was incapable of being duly elected and re-
turned as a Member of the House of Commons,
and therefore that he was not duly elected and
returned, vizt.:—

1st. That at the date of the Election he was
incapable of being elected as a Member of the
House of Commons, in respect of the provisions
of the Act 22 Geo. III. cap. 45, entitled "An
Act for restraining any person concerned in any
contract, commission, or agreement made for
the public service from being elected or sitting
and voting as a Member of the House of Com-
mons;" and—

2nd. That he, Mr. Russell, by himself or his
agents was guilty of bribery, treating, undue
influence and corrupt practices before, during,
and after the Election.

That in the Petition no claim is made for the
seat, the prayer of it being limited to the effect
that it ought to be determined that Mr. Russell
was not duly elected or returned, and that the
Election was void.

We have further to report that we appointed
the trial of the Petition to take place before us
at Rothesay, in the said County of Bute, upon
the 29th day of June next.; that on the 15th
day of June 1880, a Minute (of which a copy
is also sent herewith and referred to) for Mr.
Russell, subscribed by him and his Counsel, was
lodged, stating that he admitted that he was
disqualified in respect of the provisions of the
above Act, but denying the charges of bribery,
treating, undue influence, and corrupt prac-
tices, and that he was willing and anxious to
proceed to trial upon these charges.

We have further to report that upon the 18th
day of June 1880, a Minute (of which a printed
copy is also herewith sent and referred to) was
lodged for the Petitioners, stating that in re-
spect of the Minute of 15th June for Mr.
Russell, "they did not propose to lead evidence
on the allegations of bribery and treating set
out in Articles 2 and 3 of the particulars in-
tended to be proved by the Petitioners;" and
craving that we should determine that Mr.
Russell was not duly elected to serve in Parlia-
ment for the County of Bute.

That in these circumstances we have to report
and certify that the said Thomas Russell was
not duly elected and returned, and that his
Election on the sixth day of April last was
void.

R. MACFARLANE,
Lord Ormidale.

JOHN MILLAR,
Lord Craighill.

Edinburgh, 23 June 1880.

COUNTY OF DUMBARTON ELECTION.

The Parliamentary Elections Act, 1868.

Election for the County of Dumbarton.

Unto the Right Honourable The Speaker of the
House of Commons.

Report by the Election Judges in Scotland on
the Petition of John William Burns, of
Kilmahew Castle, Cardross, Advocate, com-
plaining of the Election, on sixth April
1880, of Archibald Orr Ewing as Member
of Parliament for the County of Dum-
barton.

We, Robert Macfarlane, Lord Ormidale, and
John Millar, Lord Craighill, the two Judges of
the Court of Session for the trial of Election
Petitions in Scotland, do report as follows:—

Leave has been given to withdraw the above
Petition upon evidence by affidavits having
been laid before us to the effect that such with-
drawal was not the result of any corrupt
arrangement, and no person, after the requisite
intimation and publication, applying to be sub-
stituted as Petitioner.

R. MACFARLANE,
Lord Ormidale.

JOHN MILLAR,
Lord Craighill.

Edinburgh, 23 June, 1880.

And the said Certificates and Reports were
ordered to be entered in the Journals of this
House.

QUESTIONS.

METEOROLOGICAL DEPARTMENT— WEATHER FORECASTS.

MR. A. M. SULLIVAN asked the Secretary to the Treasury, If he can state any reason why the weather forecasts and observations procured at the public expense by the Meteorological Department, considering their great usefulness in the protection of life and property in the fishery and coasting trade, should not be freely available for posting at the coast guard stations or other suitable places at the principal ports and fishing harbours around our coasts?

LORD FREDERICK CAVENDISH: The reason why the weather forecasts and observations of the Meteorological Department are not communicated to stations round the coast, as proposed by the hon. and learned Member, is that the expense of transmitting them would be large, while the grant at the disposal of the Meteorological Council is limited, and would not bear the expense without curtailing operations connected with observation. It is calculated that the cost of each receiving station could not be taken at less than £20 a-year, and the number of principal ports and fishing harbours round our coast is very considerable.

MR. A. M. SULLIVAN asked if there would be any objection to supply the information in London to persons who were willing to telegraph it free to these stations?

LORD FREDERICK CAVENDISH said, he would like to consult the Department on the point.

THE CASE OF MR. TAYLER.

In reply to Mr. CARTWRIGHT,

SIR EARDLEY WILMOT said, that it was not his intention to bring forward his Resolution with regard to the case of Mr. Tayler, inasmuch as attention would be called to the subject in "another place."

MR. CARTWRIGHT gave Notice that he would call attention to the case of Mr. Tayler, and move a Resolution.

ROYAL COMMISSION ON AGRICULTURE —REPORTS ON AGRICULTURE IN THE UNITED STATES.

MR. R. H. PAGET asked the Under Secretary of State for Foreign Affairs, Whether, seeing that the information afforded by the Report of the Secretary of Legation at Washington includes various matters besides those connected with agriculture, and that it ranges over a period from 9th February to 3rd May 1880, he will take steps to secure in future the early and separate presentation to Parliament of information respecting agriculture as soon as received; whether he will endeavour to obtain from time to time from the Bureau of Agriculture at Washington, and place in the Library of this House, any Reports which may be issued by that department; and, further, if (to make such Reports of practical value) he will procure them as soon as possible after publication, and give such notice of their receipt as will make them readily available for consultation?

SIR CHARLES W. DILKE: The time which elapsed in the publication of the Reports was owing partly to their containing a large quantity of statistical tables, and partly to a wish expressed by Mr. Drummond, the Secretary of Legation, to see and revise the text before they were published. Steps will be taken to insure as speedy publication as possible in future. I have also arranged that copies of the Reports of the Bureau of Agriculture at Washington shall be obtained and placed in the Library of the House immediately on their publication; but I do not exactly see what notice could be given of their having been placed there.

MR. R. H. PAGET said, that as he could not obtain the information he required, he would, on going into Supply, move—

"That, in view of the increasing competition to which the farmers of the United Kingdom are exposed, it is the duty of the State to afford them early information with regard to probable agricultural imports; and that, in the opinion of this House, it is necessary that a Department of Agriculture should be forthwith formed at the Board of Trade; that such department should be charged with the special duty of obtaining agricultural statistics and reports from Foreign Countries, as well as from our Indian and Colonial Dependencies; and that such information should be regularly published from time to time, with the least possible delay."

ARMY (AUXILIARY FORCES)—ADJUTANTS OF MILITIA AND YEOMANRY.

VISCOUNT EMLYN asked the Secretary of State for War, Why Adjutants of Militia are not allowed to participate in the permanent retirement granted to Adjutants of Volunteers by the Royal Warrant of the 29th of October 1879, considering that Adjutants of Militia and Volunteers, under the designation of Adjutants of Auxiliary Forces, have hitherto had the same permanent retirement, the last Royal Warrant in which both are included being dated as recently as the 6th of April 1878?

MR. CHILDERS: When I came to the War Office I found the question to which the noble Lord's inquiry refers under discussion, and we took it up without delay. It has now been decided, with the concurrence of the Treasury, that Adjutants of Militia and Yeomanry appointed before February, 1871, should have the same terms of retirement as Adjutants of Volunteers.

STATE OF IRELAND—THE ROYAL IRISH CONSTABULARY.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that buck shot, in addition to the ordinary ball cartridge, has been or is to be served out to the Royal Irish Constabulary; and, whether this new police ammunition has been adopted in view of threatened agrarian evictions in Ireland?

MR. W. E. FORSTER. Sir, I am informed on inquiry that a limited number of buckshot cartridges has been issued to the Constabulary in addition to ball cartridges. I see that the hon. Member has altered his Question. It was originally to ask if the new police ammunition has been adopted in view of "threatened agrarian disturbances in Ireland;" but he has now altered it to evictions. I must make this remark—that it is generally desirable to adhere to the terms of the Question put on the Paper. This issue of buckshot is not on account of agrarian disturbances or of evictions; but because it was the opinion of the authorities that if ever—and I most sincerely trust it will never occur in my time—it may unfortunately become necessary for the Police to fire, the

risk of accidental injury to persons unconnected with the riots, by the use of long range bullets, might be avoided. The fact which mainly caused this issue was that it very unfortunately happened that at Lurgan, in a case where a riot occurred, some innocent persons were injured.

MR. PARNELL: I agree with the right hon. Gentleman that it is not desirable that Questions should be altered after having been placed on the Paper. The reason I altered the Question is that it is my strong impression that I gave Notice of it as I have asked it; but I cannot be sure of that, as my Question was written under my directions, and not by myself.

TREATY OF BERLIN—ROMAN CATHOLICS IN MONTENEGRO.

COLONEL COLTHURST asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have received any information as to the alleged infractions of Article 27 of the Treaty of Berlin in the case of the Roman Catholic inhabitants of Antuari, a district ceded to Montenegro by the above Treaty; that the said Roman Catholics have been ordered to send their children to a school taught by a Greek; that permission to open a church recently constructed has been withheld from them; and, if these allegations prove to be correct, will not Her Majesty's Government use its influence to obtain the fulfilment of the conditions upon which the said territory was ceded to Montenegro?

SIR CHARLES W. DILKE: No information has reached Her Majesty's Government with regard to the alleged treatment of Roman Catholics in any of the districts ceded to Montenegro; but Her Majesty's Chargé d'Affaires will be instructed to report on the subject.

ENDOWED SCHOOLS AND HOSPITALS—CHRIST'S HOSPITAL.

MR. W. H. JAMES asked the Vice President of the Council, If the Charity Commissioners have prepared, or have in course of preparation, a scheme for the government of Christ's Hospital under the Endowed Schools Acts 1869 and 1876; and, if he can state when that scheme will be presented for the

consideration of the Governors in order that they may have a full and early opportunity of carrying out the recommendations made by the Royal Commission in 1877?

MR. MUNDELLA: I am informed by the Charity Commissioners that they have for some time past had a scheme in preparation, that it is now nearly ready, and will shortly be in the hands of the Governors and the public.

INSPECTORS OF FACTORIES AND WORKSHOPS—TRADE SOCIETIES.

MR. BROADHURST asked the Secretary of State for the Home Department, Whether it is any part of the duty of the Chief Inspector of Factories and Workshops, or of the Assistant Inspectors acting under him, to report on and criticise the rules and the action of trade societies, as has been done on pp. 28 to 37 in the Report for 1879, when such rules and action do not in any way interfere with the administration of the Factories and Workshops Act; and, if it is no part of their duty, whether he will take steps to prevent the publication in future Reports of statements and opinions hostile to trade unions given by employers and others, to which statements and opinions the societies have no corresponding means of reply?

SIR WILLIAM HARCOURT, in reply, said, it had always been the custom for the Inspectors of Factories to report upon the causes affecting the condition of trades, and in the discharge of that duty it was simply impossible altogether to avoid reference to the circumstances affecting the conduct both of employers and employed. If this were done with an evident prejudice on either side, it would obviously be very objectionable. As far as he had been able to judge from the Report referred to, that did not appear to have been the case. Whilst, on the one hand, the Report referred to the unfavourable effect of trade rules on the glass trade, the Report also reflected upon the injurious effects of the truck system. He should say that in those Reports, as far as possible, controversial matters should be avoided; but in the present case he saw no ground for imputing improper bias.

Mr. W. H. James

MERCANTILE MARINE—WRECKS AND CASUALTIES—OFFICIAL INQUIRIES.

MR. CAVENDISH BENTINCK asked the President of the Board of Trade, Whether he has read a statement which was published by Mr. Samuel Plimsoll, lately a Member of this House, in the "Times" newspaper of the 17th inst. and which is in the terms following:—

"It should be widely known that, although in the five years ending with June last, 570 ships went to the bottom, each with every soul on board, only in eight cases was an inquiry instituted by the Board of Trade, although the men drowned numbered 6,469. In the last three years there were only three inquiries in 340 cases;"

whether these 570 ships were employed in trading from the United Kingdom; or whether they include fishing vessels, and also ships trading between Foreign Countries and British Colonies, but not trading to or from the United Kingdom; whether it is the fact that, during the last three years, only three official inquiries have been held in 340 cases of shipwrecks and other casualties; and, whether to remove all doubts, he will lay upon the Table of this House a statement showing the number of official inquiries of all sorts held into wrecks and casualties during the last seven years; and, whether he has any reason to believe that the officers in his Department whose duty it is to order inquiries, and select cases for inquiry, have failed in their duty owing to inefficiency, negligence, corruption, or otherwise.

MR. CHAMBERLAIN: I have read the statement referred to. It is true that in the five years ending in June last, 570 British vessels were reported to the Board of Trade as missing, and that inquiries were instituted in eight of these cases only. It is also true that in the last three years 340 vessels were reported as missing, and that inquiries were instituted in three cases only. These vessels were not all simply employed in trading from the United Kingdom; they include fishing vessels, English and Colonial; they include Colonial vessels, and they include British vessels, English and Colonial, trading between ports out of the United Kingdom. The total number of judicial inquiries into shipwrecks of all kinds during the last

three years has been 1,024. Full particulars of all such inquiries will be laid before the Committee on Merchant Shipping now sitting, and of the method of instituting them; and for this reason I do not think it necessary to lay the same particulars before the House at the present time. The officers of the Department did early in last year urge the institution of further inquiries into the losses of certain missing vessels; and the result shows that, notwithstanding the difficulties of holding an inquiry when all the eye witnesses have perished, inquiries can, in some cases, be held with much advantage. But I have no reason to believe that the officers in the Department, whose duty it is to order inquiries or select cases for inquiry, have failed in their duty owing to inefficiency, negligence, or corruption.

CRIMINAL LAW—CASE OF SOLOMON NATHAN.

MR. THOROLD ROGERS asked the Secretary of State for the Home Department, Whether his attention has been called to the following circumstances:—On June 8th Solomon Nathan, a ticket of leave man, was convicted at the Surrey Sessions of stealing thirteen shillings and sevenpence from the person of Henry Moore, of Woodside, and that thereupon the convict was sentenced to twenty years' penal servitude, with the addition of the unexpired two years on his ticket of leave, by Mr. Hardman, the chairman of the quarter sessions; and, if not, whether he will inquire into all the circumstances of the case?

SIR WILLIAM HARCOURT, in reply, said, he had addressed an inquiry to the Chairman of the Surrey Sessions (Mr. Hardman), and his reply was to the effect that the convict had been previously convicted for felony in 1856, and sentenced to two months' imprisonment; 1858, three months; 1859, 12 months; 1860, six months; 1861, one month; 1863, six years' penal servitude; and 1871, 10 years' penal servitude and seven years' police supervision. The convict was well known as a thief, and was never known to earn his living honestly.

WAYS AND MEANS—THE BEER DUTY.

MR. STORER asked Mr. Chancellor of the Exchequer, Whether, under subsection 3 of Clause 33 of the Customs

and Inland Revenue Bill, only farmers whose house and farm lands not exceeding the annual value of £20 are to be exempt from duty on beer brewed at home; and, whether he will not allow all persons brewing solely for agricultural purposes a like exemption?

MR. GLADSTONE, in reply, said, that with respect to the farmers, as with respect to all other persons, it was undoubtedly true that only farmers whose land, house, and farm lands were under the annual value of £20 were to be exempt from duty on beer brewed at home. He did not think it possible to allow a general exemption to all persons brewing solely for agricultural purposes. It would be impossible to grant an exemption for persons brewing for agricultural labourers without granting a similar exemption to persons brewing for manufacturing labourers.

PARLIAMENT—PUBLIC BUSINESS— THE LAND BILLS.

SIR STAFFORD NORTHCOTE asked the First Lord of the Treasury, Whether the Government can hold out any hope that they will give facilities for the consideration of the Settled Land Bill and the Conveyancing and Law of Property Bill in the present Session?

MR. GLADSTONE, in reply, said, he would be glad to give facilities; but he did not see his way to giving any promise on the subject at present. He did not say that it would not be possible to give facilities before the end of the Session; but he could hold out no hope of doing so at an early date.

COMPENSATION FOR DISTURBANCE (IRELAND) BILL.—POOR LAW UNIONS.

LORD RANDOLPH CHURCHILL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any of the Poor Law Unions set forth in Schedule (D) of the Compensation for Disturbance (Ireland) Bill, were not scheduled as distressed Unions by the Local Government Board prior to the 29th of February last; and, if so, whether he will name them; and, whether such Poor Law Unions will be entitled to all the other exceptional privileges accorded by the Legislature and Local Government Board to distressed Unions?

MR. W. E. FORSTER: All the Poor Law Unions scheduled in Schedule D of the Bill referred to by the noble Lord were scheduled before the 29th of February last. No distressed Union has been scheduled since that date.

CATTLE—IMPORTATION OF FOREIGN CATTLE.

MR. PAGET asked the Vice President of the Council, If his attention has been called to a paragraph in the "Times" of the 21st instant, with reference to gross cruelty said to have been practised on Foreign cattle landed at Birkenhead; and, if he will desire full inquiry to be made into the matter, and cause directions to be issued to the Veterinary Inspectors of the Privy Council to prosecute the offenders in all such cases?

MR. MUNDELLA: The attention of the Privy Council was called to the paragraph in *The Times* respecting the cruel treatment of foreign cattle, and the Veterinary Department immediately telegraphed to the Inspector of the Privy Council at Birkenhead for information. The Inspector reported on the facts; but as there had been a successful prosecution of the offender, the Privy Council considered it unnecessary to take any further steps. Whenever such a case is reported by the Inspectors of the Privy Council, a communication is made to the Society for the Prevention of Cruelty to Animals, who are willing to perform the valuable service of instituting a prosecution where there appears to be good grounds.

PARLIAMENTARY REPRESENTATION—BOROUGH OF NORTHAMPTON.

MR. MAC IVER asked the First Lord of the Treasury, Whether, seeing that the Borough of Northampton contains a considerably smaller number of electors than the Borough of Birkenhead, which is represented by one Member only, the Government will consider the desirability of at once bringing in a short measure for the partial disfranchisement of Northampton, and for according an additional Member to Birkenhead? He wished to add that he had received a telegram stating that the population of Birkenhead, at the present moment, was between 90,000 and 95,000.

MR. GLADSTONE: Sir, the Government have no intention whatever of considering the subject.

NEWFOUNDLAND—MINING OPERATIONS.

CAPTAIN AYLMER asked the Under Secretary of State for the Colonies, Whether the orders given to the Government of Newfoundland, in 1870 or 1871, to prevent the opening of mines on the east shore of the island are still in force; and, if so, whether, considering the advisability of encouraging the development of mining enterprises and other industries in our Colonies, he will take steps to have such order rescinded?

MR. GRANT DUFF: The Orders given in 1869, which modified certain Orders of 1866, are still in force. These Orders prohibit mining operations within half a mile of high-water mark in certain districts of Newfoundland, over the strand of which the French Government has ancient rights. Unless and until some final agreement about these rights shall have been come to, Her Majesty's present Advisers do not see their way to depart from the policy which has been pursued with reference to this matter by all their Predecessors for many years.

TURKEY AND GREECE—MILITARY FORCES.

MR. OTWAY asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have information that Ahmed Mukhtar Pacha has been appointed to the command of the Ottoman Forces in European Turkey; whether they are informed as to the amount of the Ottoman Force in Macedonia and the parts of Turkish territory adjoining; whether there is reason to believe that it amounts to 80,000 men or thereabouts; and, whether Her Majesty's Government have any information as to the amount of military force at the disposal of the Greek Government?

SIR CHARLES W. DILKE: Her Majesty's Government have no such information about Mukhtar Pasha. As far as we know, he is still Vali of the Vilayet of Monastir, and has the command of the troops in that district. We cannot state precisely what is the amount of the Ottoman Force in Macedonia and the adjoining territory; but we have no

reason to believe that it amounts to anything like the number mentioned in the hon. Member's Question. Her Majesty's Government have confidential information with regard to the Military Forces of most of the European Powers; but it is of a kind which it would not be desirable to make public.

ARMY—MEDALS FOR THE CAPE FRONTIER WAR, 1877-8, AND THE ZULU WAR, 1879.

LORD HENRY SCOTT asked the Secretary of State for War, Whether, seeing that the senior officers who took part in the Cape Frontier War of 1877-8, and in the Zulu War of 1879, have been rewarded for their services, he is able to announce that the Government will issue medals for the above-mentioned campaigns, as a means of recognizing the services of the junior officers, non-commissioned officers, and men; and, if so, how soon the issue may be expected?

MR. CHILDERS: In answer to the noble Lord, I have to say that conflicting opinions have been expressed as to the design for the medal for the South African campaigns; but this has now been settled, and the medals will be struck at once. Of the regiments concerned, those on Home service will be able to prepare their rolls of names in about three weeks; but a longer time will be necessarily required as regards corps abroad. The distribution will be made as fast as the names can be engraved on the medals after the rolls shall have been severally received and approved. I understand that the delay which has hitherto occurred in the issue of medals has caused great dissatisfaction; and I may state that a plan is now being considered by which, I hope, this delay will be greatly reduced.

FRANCE—FINANCIAL MEASURES.

MR. W. H. SMITH asked the First Lord of the Treasury, If he will lay upon the Table, before the Customs and Inland Revenue Bill is considered in Committee, a statement of the Duties proposed to be levied under the financial measures now before the French Chambers, and showing their effect, either by way of increase or decrease, in the imposts on British products or manufactures; and also a statement of any proposals to grant or to continue bounties

to any French trade or manufacture, to the prejudice of foreign competitors?

MR. GLADSTONE: Sir, by-and-by, when we come to the Orders of the Day, I shall have a word to say on the Customs and Inland Revenue Bill, which will bear materially on the inquiry now made by the right hon. Gentleman. I am afraid it would be impossible to comply literally with his request, or, indeed, to comply with it to the extent of laying the Returns on the Table of the House. It would not be a very convenient practice to lay upon the Table of this House Returns relating to the proceedings of foreign Chambers. There is one objection in this case—namely, that these proceedings are in progress: they are not in any fixed form, and are fluctuating and changing almost from day to day. Certain duties have been fixed by the French Chamber; but they are now in the course of modification in the French Senate. The Foreign Office are in the habit of making known, as far as they are able, to parties interested what is going on in the French Legislature. I think, therefore, under the circumstances, it would be better that reference should be made to the Foreign Office, who will at all times be most willing to communicate the information, rather than that we should mislead the House by laying on the Table information which would appear to have the character of being permanent when, in fact, it is not so.

LOCAL GOVERNMENT BOARD (IRELAND)—THE REPORT.

SIR MICHAEL HICKS-BEACH asked the Chief Secretary to the Lord Lieutenant of Ireland, When the Report of the Irish Local Government Board for the year ending 31st March, 1880, will be published; and, whether in that or in some other way he will place before the House such information as to the numbers in receipt of in-door and out-door relief, and the total amount and poundage of the rates levied in the several Irish Unions, as would show the condition of the country in this respect during that year, and up to the latest possible date, as compared with preceding years?

MR. W. E. FORSTER: I am very anxious, Sir, that the Report of the Local Government Board should be in

the hands of Members as soon as possible; and, knowing that the Report itself is written, I made inquiries as to why it was not presented. I found it was usual to have an Appendix, which is not yet ready. I thought it better, this time, not to wait for an Appendix. The Report contains most of the information required by the right hon. Gentleman, and he will be able to find the rest, I think, in the Appendix. If not—and if he will let me know what more he wants in the Appendix—I shall be glad to communicate with him.

M O T I O N S .

MR. BRADLAUGH.—RESOLUTION.

SIR STAFFORD NORTHCOTE: I wish to put a Question to the Prime Minister with reference to what took place yesterday. I wish to ask, Whether the Government intend to make or submit to the House any Motion; and, if so, what the Motion may be, with respect to the case of Mr. Bradlaugh?

MR. GLADSTONE: Down to the present moment—that is to say, within the 24 or 26 hours which have elapsed since Mr. Bradlaugh was committed—I have not felt it my duty to bring the matter under the consideration of my Colleagues; and I have not any advice to tender to the House on the subject.

SIR STAFFORD NORTHCOTE: Under these circumstances, Sir, and having regard to the fact that the Motion for the committal of Mr. Bradlaugh was made by myself, I have thought I should do well to submit to the House a proposal upon this subject. I wish to say in a few words what was the meaning of the Motion which I made yesterday. It was not made in a vindictive spirit; but it was made for the double purpose of asserting the authority of the House and of maintaining the order of its proceedings. The authority of the House had been questioned by Mr. Bradlaugh, who denied that it was legally competent for the House to do that which it had been pleased to do, and the order of its proceedings was jeopardized by the entry and re-entry of that Gentleman after he had

been removed from the House. It seemed to me necessary to immediately assert the authority of the House, and to maintain its order by the Motion which I made, and which the House accepted. That object has been accomplished; and I do not think it is necessary for us to prolong the custody of Mr. Bradlaugh, seeing that these objects have been effected. I cannot say what may take place in the future; but I can hardly assume that Mr. Bradlaugh, after having raised the question which he desired to raise, and raised it in a form which was perfectly clear and distinct, would again take any steps which would put the House to inconvenience. If he should do so, of course the House will know how to deal with the case. The Motion which I wish to submit is this—

“That this House, having committed Mr. Bradlaugh to the custody of the Serjeant at Arms on account of his disobedience of the Orders of the House, and of his resistance to its authority, and having thereby supported its Order and asserted its authority, Mr. Bradlaugh be discharged from the custody of the Serjeant at Arms.”

MR. LABOUCHERE: Mr. Speaker, I think it only right, in order that there may be no misconception on the matter, to say that I understand from Mr. Bradlaugh that should he be released under these conditions he will at once return to the House, and do what the Prime Minister, the Colleagues of the Prime Minister, the present Attorney General, and the late Attorney General say that he has an absolute legal right to do. I am not going further to interfere in this debate—if there be a debate—or to dispute the proposal which the right hon. Gentleman has just made. But I think it well that I should state to the House what will occur. I have thought that it was due to the House, and it is also due to Mr. Bradlaugh, to state this, in order that there may be no supposition that there is any understanding on the part of Mr. Bradlaugh that he will not do that which he claims he has an absolutely legal right to do, and which it is his duty to do.

MR. GORST: After what we have just heard I think we ought to have some statement from the Leader of the House. The sitting Member for Northampton has told us that in the event of Mr. Bradlaugh being released from custody he will come forward and pursue a

what is the best way of meeting the views of Parliament and of the trade. But then the proposal is open to this objection—that we can obtain no positive assurance from the French Government. The proceedings of that Government may be much delayed and may lead to too long a period of uncertainty in the trade, to the great disadvantage of those engaged in that trade, as well as to the consumers of the country and the Revenue. I had some hope that I might have been able to collect the judgment of Parliament with regard to the Wine Duties in a definitive form, and yet to have been able to proceed with the French Government so as to settle the whole matter after a very short postponement, and I named the 15th of August. I am, however, sorry to say that I can hardly now entertain that hope. I do not think we shall be able to conclude an arrangement with the French Government or any other Government on the subject of the Wine Duties on such conditions as to take effect before the 15th of August. I am very unwilling to ask the House to prolong that term, because the prolongation tends to uncertainty and partial paralysis in the Revenue. I think, in the circumstances, that the most convenient course to adopt is to invite and welcome discussion in this House, as I have welcomed free communication from the trade. There is very general advantage in our obtaining the best information as to the proper mode of proceeding when we come to reduce the Wine Duties; and I shall not grudge having submitted this proposal to the House if I am able to gather such authority and information on the subject that the Government shall feel itself in the condition, in dealing with France, that they are proceeding on safe ground. I have no doubt that there is in this House, as there is in this country, a difference of opinion upon an important question connected with the structure of the wine tariff. I have submitted to the House that course which I believed to be decidedly the best, the most calculated to promote the freedom of trade, and the most conducive to the ultimate convenience and advantage of the trader. But transitions in trade are rarely agreeable to those they immediately affect, and no doubt I must make two admissions. In the first place, there are some arguments to be urged in

favour of a different mode of constructing the tariff; and, in the second place, we must look in this matter not exclusively to abstract arguments but to the convenience of all parties, and to the sense and opinion they entertain about their own convenience. The two modes of proceeding to which I referred are these. By one of them the tariff was constructed principally in the manner given in the Bill—that is, by a duty varying with each degree of alcoholic strength of the wine; and the other would be by what I should call a tariff of steps, not varying with each degree of strength of wine, but constructed more like the tariff of 1860 as it originally appeared, when we had three or four different rates of duty, and wines were divided into classes with steps in the duty. I shall, before the time for going into Committee on the Bill, endeavour to arrive at the best judgment in our power as to the choice between those two methods of proceeding. I find there is a great difference of opinion among the trade on the subject; but I shall regard it as being my duty to put an end to all uncertainty in the matter at a very early date. I have scarcely any expectation now of being able to conclude the matter by the 15th of August; and unless, in the course of a week or 10 days, I find reason to change that opinion, I shall not ask the House to enact at present the alterations I have suggested, but rather look to the course which I have now indicated as one which would probably be preferred by the French Government—that is to say, that we should negotiate in the autumn, that we should then arrive at a conclusion which we might present to Parliament, say, in the month of January, without any prolonged agitation or uncertainty. But it is quite evident that if I am to look forward to that mode of proceeding, it is very desirable that I should be well acquainted with the opinions both of Gentlemen of authority who sit in this House and of members of the trade, in order that in our arrangements with France and other countries we may not run the risk of going wide of the general expectation and views that may be entertained by the most competent judges. Some advantage will be derived by the Revenue from the postponement for four or five months of this change in the Wine

this subject, which I say has been discussed already *usque ad nauseam*, I feel it my duty to say that this subject has been inflamed, and that controversy has been provoked on it in the sacred name of religion, but really for selfish and purely Party purposes. I was one of those who took particular pleasure in the united action of the Leaders on both sides at the very first stage of this controversy; but I have not been able to ascertain why the Leaders parted company in dealing with this delicate question subsequently, and why Gentlemen—I will not say of no responsibility, but from their position in the House of no official responsibility in either Party—were allowed to engage in the treatment of this question in such a manner that we have already lost several days. We have waited for the deliberations of two Select Committees; and I undertake to say that, as far as a conscientious assent to any given proposition on the subject is concerned, we are just as much disunited as we were on the very first day that we rejected Mr. Bradlaugh's claim to make an Affirmation. Now, I rise simply for the purpose of imploring hon. Members who have influence in the House of Commons not to do anything that will continue a controversy which must be scandalous, and which must reflect seriously on the dignity and character of this Assembly. With some of Mr. Bradlaugh's political opinions I sympathize. I sympathize with him because I know he has been friendly to my country. But his friendship for Ireland would never influence me a hair's breadth in straining the law to admit him to this House; neither would I be influenced a hair's breadth to obstruct his admission to this House. I, therefore, was one of those Members who looked to the two Select Committees, in the appointment of which I assisted, to enable me to give a rational decision on this delicate question. I am sorry to say that, as the Committees have contradicted one another, I have derived no assistance whatever from their deliberations. I declined, therefore, to accept the responsibility of voting one way or the other on the vital question which was brought to a decision on Tuesday evening last, and on the equally important question of the imprisonment of Mr. Bradlaugh which was submitted yesterday. But now we have reached this stage—that the Leader

of the Opposition, whom certainly I cannot congratulate on any attempt he may have made to suppress heated feelings in reference to this matter—on the contrary, I deplore the efforts which have been made, notably on this (the Opposition) side of the House, to make this ugly and disagreeable question as ugly and disagreeable as possible—now that a Motion has been placed before the House, which is another temptation thrown in our path, I appeal to hon. Gentlemen who respect the sanctity of the principles which have been invoked in this controversy not to drag the House of Commons again into the questions which have been submitted to our consideration. I protest, as a Christian man, against the House being made an advertising medium for any politician who may wish to affect a superior interest in religion, which he has no right to claim over me or any other Member, or an advertising medium for Mr. Bradlaugh and his friends, as it would unquestionably if this controversy were needlessly protracted. Should Mr. Bradlaugh again present himself at the Bar of the House I need hardly say I am not competent to offer him or his friends advice; but I trust that if he be liberated by the Resolution of the House he will not adopt any such course. I venture to say so because I think it would be a futile course. If this House, by Resolution, has the right legally to imprison Mr. Bradlaugh for disobeying its orders it can also adopt a milder course of punishment, and can instruct its officers at the door to prevent his admission. I am of opinion that no word or act of Mr. Bradlaugh has, in the slightest degree, affected his original title to sit as a Member of this Assembly. That title is unimpaired; and if he is not satisfied with the decision of the House of Commons—as we know he is not—then his rational, straightforward, and obvious course is to appeal against the decision of the House of Commons to the Courts of Law outside, from which, by his own acknowledgment, he has never failed in obtaining justice. If this course is adopted by him and supported by his friends we shall be relieved from a repetition of the very unpleasant scenes we have witnessed from the beginning; and I appeal to influential Members on both sides of the House to accept, without a protracted discussion, the Motion

Mr. O'Connor Power

mit we are not entitled to make any such addition to the Revenue as they presume we should be making by levying on the same quantity of material a very considerably higher tax, while we profess to be levying a tax which it is worth their while to pay in consideration of their relief from the Malt Duty and its accompaniments—the only exception to that being that the turn in cases of this kind is very properly given in favour of the Revenue. There are various points on which I desire it to be known we do intend to make certain concessions to the brewery trade, because they have satisfied us a larger produce will be obtained from a quarter of malt than we had, with our former information, felt justified in reckoning. Something in the direction demanded by the brewers may be freely accorded by the Government, and without any fear of damaging the computations of Revenue we have heretofore laid before the House. The technical form that the change will take will be an augmentation of the figure indicated in the Resolutions and the Bill, for the measure of fermenting liquid when it is in the fermenting vats or squares. As to the degree at which the specific gravity should be taken I wish to withhold judgment; but the view with which we shall pursue our inquiries will be to fulfil in spirit the assurances given to the House when the Resolutions were originally submitted to it, and to observe the general rules of equity towards the trade. Besides some augmentation in the figure which we are going to adopt as the standard of specific gravity, there is another important head upon which we are also going to make an important concession to the trade. The Bill, as it originally stood, provided that an allowance should be made to the brewer as regarded the contents of his fermenting squares of a maximum of 4 per cent for waste—that is to say, for a positive diminution of the liquor before it became a merchantable article. Now, no doubt the waste in a brewing establishment will justify, and even in equity require, the enlargement of that allowance; and instead of making an allowance limited to the maximum of 4 per cent we are disposed to make a uniform allowance, and we shall probably fix that allowance as high as 6 per cent. The third alteration is con-

sequent on those changes, and it involves so much of a technical character, and has reference so much to the exceedingly varying position of the brewing process in the different breweries of the country, that I will not enter into details, and will only say there should be augmentation in the limit of variation allowed on what is called the presumptive charge, or the charge upon the materials used in brewing. There is a fourth point, which is simple in its character. The Bill, as it stands, leaves it in the power of the Government to determine at what period the duty on brewing shall become payable after the charge has been taken, subject to the limitation, “not less than 14 days or more than a month.” We propose to strike out the reference to the 14 days altogether, and the mode adopted will be that of monthly payments after monthly charges. The present system of the Inland Revenue is to divide the year into periods of six weeks. In lieu of that, it will now be divided into periods of one month. The liquor will be tested in the fermenting squares in the course of each successive month, and the Revenue will be collected on the beer so tested from month to month. These are the points on which I think it will be necessary to make modifications. That is the principal framework of the plan. There have been other questions raised upon which discretion may be reserved both to the Government and the House. There is, for example, the question of the limit of exemption, which the brewers think is too high, but which others hold is not carried far enough, either generally or with regard to some particular class. One particular point has been raised by the brewing trade on which we think their demand is obviously fair. Occasionally it happens that a number of families may club together to brew in a brewhouse, each living in a house below £20, and the brewhouse itself being rated below £20. There might come in very serious evasions of the duty, and a sort of brewing clubs might be established practically exempt from duty. That would be contrary to equity, and it may be easily met by inserting in the exemption clause that brewing which is to take place by virtue of that exemption must be brewing upon the premises. If, as is probable, we are compelled to postpone for some months

MR. J. R. YORKE desired, in conformity with what he believed was the general wish of the House, to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

PARLIAMENT—WALLINGFORD AND BUTE—NEW WRITS.

LORD RICHARD GROSVENOR moved the issue of a new Writ for the borough of Wallingford, for the election of a Member in lieu of Mr. Walter Wren, whose election had been declared to be void.

SIR GEORGE CAMPBELL said, he did not intend to persevere in his Notice of opposition, because he thought that since it was determined that the Writ should be issued an opposition on his part could not be successful; but he felt that this was one of those boroughs the population of which was so small that it did not afford a sufficient basis for representation in the House. His conscience rebelled against their being in such a hurry to issue the Writ, when the Judges had found that 12 persons had been guilty of bribery and corruption; and if the Judges did not report on this and other cases that corrupt practices had extensively prevailed, it must be borne in mind that they confined themselves to the evidence brought before them by the parties, and did not embark upon inquiries of an inquisitorial character.

Motion *agreed to*.

NEW WRIT FOR BUTESHIRE, — *in the room of* Thomas Russell, esquire, who, having held a Contract entered into for the Public Service at the time of his Election for the said Shire, was incapable of being elected for the same.

ORDERS OF THE DAY.



CUSTOMS AND INLAND REVENUE
BILL—[BILL 221.]

(*Mr. Playfair, Mr. Chancellor of the Exchequer,
Lord Frederick Cavendish.*)

SECOND READING.

Order for Second Reading read.

MR. GLADSTONE, in moving that the Bill be now read a second time,

said: I, of course, do not intend to go back upon any discussion of general principles, though Members who feel it their duty to discuss general principles may find this an opportunity for doing so. But there are two important practical matters on which it is necessary for me to make some observations to the House—they are the alterations proposed by the Budget in respect to the Wine Duties and the Malt Duty. With respect to the Wine Duties, the Government were desirous to give the House the first intimation of their intentions. Overtures which had been made to them from the French Government had led them to entertain the hope that the French Government might be in a position to proceed with negotiations at such a speed as to enable us to settle the law after a short interval, and, therefore, without any violent disturbance of the wine trade. The House is aware of the connection between the Wine Duties and the subject of Commercial Treaties, for the conclusion of which great anxiety is felt among the commercial and the trading classes of this country. Where that connection subsists there are two modes of proceeding, and each of these modes is open to its own particular objections. You may proceed, in the first place, to negotiate with the foreign country, in which case you have to fix all the particulars of your arrangement before that arrangement comes to the knowledge or within the jurisdiction of Parliament. That was the mode in which the French Treaty was concluded in 1860. It has the advantage of presenting the subject to the House in a form in which the House knows exactly the question that is before it, and can judge whether it shall or shall not accept the arrangement. But it has the disadvantage that the House is tied up practically to some affirmative or negative, and cannot exercise a judgment upon the details and forms of the arrangement. The other mode is that which we have adopted on the present occasion. We have submitted our arrangement in detail, and it is perfectly within the power of the House to indicate its preference for this or that form of the arrangement, presuming it well inclined to the general principle, and with the advantage of being enabled to know in what manner we ought to proceed, and

mit we are not entitled to make any such addition to the Revenue as they presume we should be making by levying on the same quantity of material a very considerably higher tax, while we profess to be levying a tax which it is worth their while to pay in consideration of their relief from the Malt Duty and its accompaniments—the only exception to that being that the turn in cases of this kind is very properly given in favour of the Revenue. There are various points on which I desire it to be known we do intend to make certain concessions to the brewery trade, because they have satisfied us a larger produce will be obtained from a quarter of malt than we had, with our former information, felt justified in reckoning. Something in the direction demanded by the brewers may be freely accorded by the Government, and without any fear of damaging the computations of Revenue we have heretofore laid before the House. The technical form that the change will take will be an augmentation of the figure indicated in the Resolutions and the Bill, for the measure of fermenting liquid when it is in the fermenting vats or squares. As to the degree at which the specific gravity should be taken I wish to withhold judgment; but the view with which we shall pursue our inquiries will be to fulfil in spirit the assurances given to the House when the Resolutions were originally submitted to it, and to observe the general rules of equity towards the trade. Besides some augmentation in the figure which we are going to adopt as the standard of specific gravity, there is another important head upon which we are also going to make an important concession to the trade. The Bill, as it originally stood, provided that an allowance should be made to the brewer as regarded the contents of his fermenting squares of a maximum of 4 per cent for waste—that is to say, for a positive diminution of the liquor before it became a merchantable article. Now, no doubt the waste in a brewing establishment will justify, and even in equity require, the enlargement of that allowance; and instead of making an allowance limited to the maximum of 4 per cent we are disposed to make a uniform allowance, and we shall probably fix that allowance as high as 6 per cent. The third alteration is con-

sequent on those changes, and it involves so much of a technical character, and has reference so much to the exceedingly varying position of the brewing process in the different breweries of the country, that I will not enter into details, and will only say there should be augmentation in the limit of variation allowed on what is called the presumptive charge, or the charge upon the materials used in brewing. There is a fourth point, which is simple in its character. The Bill, as it stands, leaves it in the power of the Government to determine at what period the duty on brewing shall become payable after the charge has been taken, subject to the limitation, “not less than 14 days or more than a month.” We propose to strike out the reference to the 14 days altogether, and the mode adopted will be that of monthly payments after monthly charges. The present system of the Inland Revenue is to divide the year into periods of six weeks. In lieu of that, it will now be divided into periods of one month. The liquor will be tested in the fermenting squares in the course of each successive month, and the Revenue will be collected on the beer so tested from month to month. These are the points on which I think it will be necessary to make modifications. That is the principal framework of the plan. There have been other questions raised upon which discretion may be reserved both to the Government and the House. There is, for example, the question of the limit of exemption, which the brewers think is too high, but which others hold is not carried far enough, either generally or with regard to some particular class. One particular point has been raised by the brewing trade on which we think their demand is obviously fair. Occasionally it happens that a number of families may club together to brew in a brewhouse, each living in a house below £20, and the brewhouse itself being rated below £20. There might come in very serious evasions of the duty, and a sort of brewing clubs might be established practically exempt from duty. That would be contrary to equity, and it may be easily met by inserting in the exemption clause that brewing which is to take place by virtue of that exemption must be brewing upon the premises. If, as is probable, we are compelled to postpone for some months

Duties. It will make an addition to the surplus of £130,000 or £140,000; but, of course, I do not think any change ought to take place in the proposals on that ground. Another subject on which I should wish to say a word is that of the Malt and Beer Duties. The operation which we have to effect is one in which we are aided, I think I may say, by the general approval throughout the country of the substance of the plan, but in its details it is the most difficult with which, in a long experience, I have ever had to deal, because we are not imposing a new duty—in which case parties submit to the authority of Parliament, and the question must be judged by general policy and not by close reference to an actual and fixed standard—but we are rather commuting an old duty, and commuting it into a duty which is to be placed on a new article in the commercial sense, though it is an article representing a more advanced stage of progress towards consumption than the article on which the duty was originally laid. The problem, therefore, which is submitted to us is to determine what is the substantial equivalent in reference to the Revenue of the Malt Duty which has hitherto been levied. The determination of that question is a matter of the extremest nicety. That depends upon a number of matters with regard to which the representatives of the Government and the officers of the Revenue—even the most practical and ablest of them—stand at a considerable disadvantage in their dealings with members of great trades. Members of great trades have a knowledge far more close than any of even the best officers of the Revenue could possess, and their opinions must carry a certain weight. They, of course, are justified in making the most of those opinions in reference to their own interests. But, at the same time, on the other hand, as regards the public Revenue, they have no responsibility whatever; and if it should happen that they present the most plausible representations, which the Government cannot actually at the time confute, but which afterwards entirely break down, the public Revenue has, and can have, no possible reparation or remedy. In this particular instance, we have to see what are the exact relations between two articles, and to ascertain the proportions of the sums

levied on malt and upon beer is a question of the greatest complexity and nicety. But it was far more complex than it need have been but for the mode hitherto in use for levying this great branch of the Revenue; for, practically, the duty, as a rule, has been charged, not upon a certain quantity of malt obtained from the grain, but by a charge laid on the grain before it is made into malt, so that the question of the yield of grain into malt is further complicated by a consideration of the yield of malt into beer. The question is one which the most able officers have been engaged in examining; but I am not as yet able to announce that we have arrived with regard to it at any absolute or final conclusion. The highly intelligent and opulent members of the trades connected with brewing and malting, especially brewing, contend that the result of our proposals will be more favourable than we have estimated, and until we have got to the bottom of that question I have not felt myself justified in shutting the door against further investigation, and therefore I do not now state the details which may come up in Committee. As regards the general position of the proposals, taking them altogether there will be no great difference from that originally announced. I have presented, at the request of the late Chancellor of the Exchequer, figures showing as nearly as I can the effect of the change for the present year as connected with the amount of drawback, and I have not the least idea that anything will occur to alter, to any appreciable extent, the figures so presented. In regard to the ultimate results of the change, I would rather reserve my opinion till we have completed our communications with members of the brewing trade. As I estimated the change, it will be in favour of the public, and with an outlay of £1,100,000 we shall obtain, after defraying some temporary charges, between £300,000 and £400,000 a-year solid Revenue, perfectly unexceptionable in its character, and which is due from laying the duty on a manufactured article instead of upon raw material. The brewing trade represented to us that we should make a much larger sum of money than we supposed, and it is with the view of testing that operation that I wish to reserve an—on details; because I ad-

Mr. Gladstone

mit we are not entitled to make any such addition to the Revenue as they presume we should be making by levying on the same quantity of material a very considerably higher tax, while we profess to be levying a tax which it is worth their while to pay in consideration of their relief from the Malt Duty and its accompaniments—the only exception to that being that the turn in cases of this kind is very properly given in favour of the Revenue. There are various points on which I desire it to be known we do intend to make certain concessions to the brewery trade, because they have satisfied us a larger produce will be obtained from a quarter of malt than we had, with our former information, felt justified in reckoning. Something in the direction demanded by the brewers may be freely accorded by the Government, and without any fear of damaging the computations of Revenue we have heretofore laid before the House. The technical form that the change will take will be an augmentation of the figure indicated in the Resolutions and the Bill, for the measure of fermenting liquid when it is in the fermenting vats or squares. As to the degree at which the specific gravity should be taken I wish to withhold judgment; but the view with which we shall pursue our inquiries will be to fulfil in spirit the assurances given to the House when the Resolutions were originally submitted to it, and to observe the general rules of equity towards the trade. Besides some augmentation in the figure which we are going to adopt as the standard of specific gravity, there is another important head upon which we are also going to make an important concession to the trade. The Bill, as it originally stood, provided that an allowance should be made to the brewer as regarded the contents of his fermenting squares of a maximum of 4 per cent for waste—that is to say, for a positive diminution of the liquor before it became a merchantable article. Now, no doubt the waste in a brewing establishment will justify, and even in equity require, the enlargement of that allowance; and instead of making an allowance limited to the maximum of 4 per cent we are disposed to make a uniform allowance, and we shall probably fix that allowance as high as 6 per cent. The third alteration is con-

sequent on those changes, and it involves so much of a technical character, and has reference so much to the exceedingly varying position of the brewing process in the different breweries of the country, that I will not enter into details, and will only say there should be augmentation in the limit of variation allowed on what is called the presumptive charge, or the charge upon the materials used in brewing. There is a fourth point, which is simple in its character. The Bill, as it stands, leaves it in the power of the Government to determine at what period the duty on brewing shall become payable after the charge has been taken, subject to the limitation, “not less than 14 days or more than a month.” We propose to strike out the reference to the 14 days altogether, and the mode adopted will be that of monthly payments after monthly charges. The present system of the Inland Revenue is to divide the year into periods of six weeks. In lieu of that, it will now be divided into periods of one month. The liquor will be tested in the fermenting squares in the course of each successive month, and the Revenue will be collected on the beer so tested from month to month. These are the points on which I think it will be necessary to make modifications. That is the principal framework of the plan. There have been other questions raised upon which discretion may be reserved both to the Government and the House. There is, for example, the question of the limit of exemption, which the brewers think is too high, but which others hold is not carried far enough, either generally or with regard to some particular class. One particular point has been raised by the brewing trade on which we think their demand is obviously fair. Occasionally it happens that a number of families may club together to brew in a brewhouse, each living in a house below £20, and the brewhouse itself being rated below £20. There might come in very serious evasions of the duty, and a sort of brewing clubs might be established practically exempt from duty. That would be contrary to equity, and it may be easily met by inserting in the exemption clause that brewing which is to take place by virtue of that exemption must be brewing upon the premises. If, as is probable, we are compelled to postpone for some months

the change in the Wine Duties, the effect will be to make a certain change to our credit. The figures I have presented this morning are somewhat less favourable for the Revenue than those I presented on the first day. They are £50,000 or £60,000 less favourable. The general upshot is, that the surplus for which I propose to ask the House will probably be somewhat larger than the point at which I stated it, but not so much more that the House will be likely to grudge it, or to entail the necessity of any change in our proposals. It may be that other changes of a minute character may take place when the measure is passed through Parliament in some way affecting the calculations. But the House, on the whole, may understand that we are asking them to vote in this financial change upon what may be comprehended under the four following heads:—First, the imposition of 1*d.* in the Income Tax; secondly, the imposition of an additional charge on licences. With respect to this, by the way, I may say that no observations have been made to me of a nature to lead me to suppose that we shall have to make any material change in the proposals submitted. The third great point was the Wine Duties, and I do not at all abate my hopes of carrying it out as originally proposed; but some delay is necessary. The fourth and last point is that of the Malt Duty. On the whole, considering the scheme as a financial scheme, and with reference to the surplus, I can present it to the House with more confidence than I did before, as a scheme which is safe and moderate for your adoption, and under which we shall have a surplus Revenue available for meeting any demands, if they should arise, of something between £400,000 and £500,000 for the service of the present year.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Gladstone.*)

MR. ANDERSON rose to move, as an Amendment—

"That, in the opinion of this House, seeing Beer is already exempted from four-fifths of the proper tax upon its alcohol, and the new proposals are expected even further to cheapen it, any loss caused to the Revenue by the abolition of the Duty on Malt should be made good by the Beer Tax, and not by the Income Tax."

Mr. Gladstone

The hon. Member said, he had listened with great attention to the statement of the Prime Minister. That part of it which related to the Wine Duties did not in any way affect the arguments he desired to present; but that part relating to the Beer Duty did. He confessed he did not understand why the right hon. Gentleman should be so painfully desirous of arriving at absolute exactness in regard to the commutation of the duty from malt to beer. The right hon. Gentleman argued as if the Beer Tax was to be a tax levied on the brewer, and as if what he had to do was to watch over the interests of the brewers. But the tax was not a tax upon the brewers. It was in no sense that; but it was a tax on the consumers of beer, who were, perhaps, the most numerous class of persons in this country. It appeared to him that the right hon. Gentleman ought not to require in any way to be so very conscientious about the exactness of the commutations. All he had to take care of was that his calculations should be such that the Revenue should sustain no loss by the commutation. For his part, he was very pleased to hear the right hon. Gentleman say that there were grounds to suppose he would get a larger sum out of the Beer Tax than he originally computed. The right hon. Gentleman's scheme would be greatly improved by that. That was an amendment in the direction in which he wished to move, and he did not approve of what the right hon. Gentleman had said about making further concessions to the brewers in order to do away with that improvement which he had announced in his speech. He (*Mr. Anderson*) approved entirely of the abolition of the Malt Tax and its conversion into Beer Duty. There was no novelty in the proposal itself, which had been suggested in that House over and over again. The real novelty consisted in the courage of the Chancellor of the Exchequer in giving practical effect to the suggestion. For that splendid stroke of financial policy the House owed its thanks to the right hon. Gentleman, because it removed the tax on alcohol entirely out of the domain of farmers' grievances, and left to future Chancellors of the Exchequer a power of expansion and contraction of the Revenue such as they had never had before. Wishing to illustrate the facility of con-

traction or expansion of the Revenue afforded by the tax on beer, he would propose, when the Bill came into Committee, an increase of $\frac{1}{2}$ d. per gallon on beer. That small tax, which would be absolutely unfelt by consumers of beer, would bring into the Exchequer £1,750,000 or £2,000,000. A financial scheme which put it into the power of future Chancellors of the Exchequer, in case of emergency—such as war—to raise that sum by charging an extra $\frac{1}{2}$ d. duty on every gallon of beer, was a splendid piece of finance, and he cordially approved of it so far; but what he did not approve of was the discrepancy that existed between the tax on different descriptions or dilutions of alcohol. They had to deal with three countries, each drinking a very considerable quantity of alcohol. The Scotch and Irish took their alcohol diluted with, say, about 50 per cent of water, which brought it into the condition of proof spirit. The English beer drinkers, however, had their alcohol diluted with about 95 per cent of water, hops, and less harmless ingredients; and because it was so the Englishman was allowed to get his alcohol at a totally different calculation, and that was the injustice that he complained of, which was being continued now. He supposed that the right hon. Gentleman's reply was that he did not by his Bill create injustice; but that was not a sufficient answer. It was quite true that he did not create it by the Bill; but the moment he proceeded to deal with this question, he must have found that flagrant injustice staring him in the face, and could not avoid seeing that the drinker of alcohol in Scotland or Ireland was taxed at the rate of 10s. per gallon proof spirits, while the drinker of alcohol in England was only being taxed at the rate of 20d. per gallon. He hoped some good reason would be given for that discrepancy before it passed through the House. The Prime Minister would be bound to do something with it, and however small a step was taken, the undoing of an injustice would be satisfactory to Scotland and Ireland. They did not expect it all at once, after an injustice had lasted for years. They knew they could not have it abolished by one step; but when the time came—and both Scotland and Ireland had been looking forward to it for years—for the abolition of the Malt

Tax, and the changing of that tax into a duty on beer, they hoped there would be a time when some step would be taken to redress the grievances of Scotland and Ireland respecting the matter. Therefore, he blamed the Prime Minister for not making some statement with regard to it. The proposal of the Prime Minister was to continue that injustice to the fullest extent; and he was not even sure that the Prime Minister was not somewhat adding to that injustice, because a change was being made to the advantage of the beer drinkers in England that would cost £1,100,000, and that was proposed to be made by an Income Tax levied all over; so that the payers of the Income Tax, who were a small section of the community compared with the drinkers of beer in Scotland and Ireland, would pay equally with Englishmen for the benefit that was being done to England alone by the change on duty. It was no answer to say that the Scotch beer drinker paid for the alcohol in his beer at the same rate as the English drinker; nor was it any answer to say that the English spirit drinker paid for the alcohol in those spirits at the same rate as the Irish or the Scotch for their whisky. That was no reply. They had to deal with national habits, and it could not be pretended that the discrepancy was continued for the purpose of making the Irish and Scotch people sober. It had had no effect in making them take to beer instead of whisky hitherto. The Irish and Scotch had continued unmurmuringly to pay that high tax on spirits; and he firmly believed that if the tax on beer was added to by $\frac{1}{2}$ d., the English taxpayer would bear it, even if he murmured at it. It would be no more unjust to disregard his murmurs than it had been to disregard the murmurs of Ireland and Scotland for years past. That was not a new question, for Scotchmen and Irishmen had been speaking of it frequently; and if the Prime Minister had been asked during the last six years—as he hoped he would be during the next six years—he would have had opportunities again and again of hearing the grievances brought up, and of hearing that Scotchmen and Irishmen did look forward to a time when something would be done towards redressing them. He did not think it was necessary for him to go into the argu-

ment of the Prime Minister with respect to his expectation of cheapening beer by the new change he had instituted, and he did not know it was necessary for him to show that there was that great discrepancy in the alcohol in beer and the alcohol in proof spirits. On that point, perhaps, he ought to make himself quite clear. In his speeches the right hon. Gentleman had always spoken of proof spirit, and not of alcohol. The two things were quite different. Proof spirit meant alcohol already diluted, containing only about 50 per cent of alcohol. He had said that beer contained about 10½ degrees. That did not mean 10 degrees of alcohol; it meant 10 degrees of proof spirit, or about 5 degrees of alcohol, and the duty would be only about 1s. 8d., as against the 10s. duty on spirits. He had said quite enough to prove there was an enormous discrepancy. In his Resolution he had called in four-fifths; but it was really more than that, because more than five times the duty was paid. There was one other point that, perhaps, he ought to touch upon, and that was the amount of change there would be by increasing the duty on beer over that of wine. The duty upon wine the Prime Minister proposed at 6d. per 20 degrees; and, therefore, unless beer paid 3d. per gallon of duty, it would not come up to the low duty for wine. But he wished to propose 2½d. per gallon, which was going half way between the two, and then it would be considerably cheaper than the charge on the foreign spirit imported in the low wine. When he proposed to increase the tax by ½d., he confessed he did so as a step towards the equalization of the question, and to do that it would be necessary to raise the tax to 9s. a barrel, and it would then be level with the 6d. for the 20 degrees of wine. Therefore, in the event of some future Chancellor of the Exchequer, or the Prime Minister himself, in pursuance of justice to Scotland or Ireland, or in the emergency of a war, finding it necessary to impose a larger duty than 3d., it would be necessary, with a view to a Treaty with a foreign nation, to introduce a saving clause to the effect that if it was found necessary to raise the duty on beer until it became as high as the duty on wine, it should be no violation of the Treaty. At present there were no other points that he wished to raise,

Mr. Anderson

although there were some other points he should have liked to have discussed; but as they would interfere with the Amendment he wished to put before the House, he would reserve them for consideration in Committee. With those observations he would move the Amendment which stood in his name.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, seeing Beer is already exempted from four-fifths of the proper tax upon its alcohol, and the new proposals are expected even further to cheapen it, any loss caused to the Revenue by the abolition of the Duty on Malt should be made good by the Beer Tax and not by the Income Tax,"—(*Mr. Anderson*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. R. N. FOWLER, after inquiring about the deductions of Income Tax in July, said, he wished to make a general observation with regard to the Budget which the right hon. Gentleman had brought in. The proposal to take off the Malt Duty and place the tax on beer was very popular with many hon. Gentlemen on his side of the House, and, among others, the hon. Member for Mid Lincolnshire (*Mr. Chaplin*), who had urged it for a number of years. Those hon. Members who were most pleased with the proposal were county Members. It was not his own fortune to represent a county constituency in that House; and it seemed, from his point of view, to be rather hard that the Income Tax should be raised for the purpose of benefiting the constituents of the county Members. They had had in the past numerous complaints of the Income Tax; and at the close of his last Administration the right hon. Gentleman the present Prime Minister had promised to abolish that impost altogether. To that effect he had put a scheme before the electors of Greenwich in 1874; and it was certainly rather startling that whilst the right hon. Gentleman's last proposal when in Office before was to remove the tax, his first act now should be a measure to increase it.

MR. BAXTER must say he was entirely satisfied with the Budget of his right hon. Friend. It might be very

unpatriotic on his (Mr. Baxter's) part; but he could not get up any feeling of dissatisfaction, far less of indignation, at the fact that the national beverage of Scotland was taxed much more than beer. On the contrary, he should feel better pleased if more beer and more wine were consumed on the other side of the Tweed, and less of that old potent beverage, the excessive consumption of which was productive of so many evils in Scotland. He rejoiced very much at the consensus of opinion which seemed to prevail not only in that House, but all over the country, as to the wisdom of the Prime Minister in proposing to substitute a tax on beer for the tax on malt. According to the last speaker, there was nothing in the circumstances of the present time to justify the change; but the Leader of the House had clearly shown that this was the most favourable opportunity that had presented itself for years for making the change. Malt was, to all intents and purposes, a raw article, which it was against the first principles of political economy to tax at all; and he must confess that many times he had felt the force of the arguments addressed to the House by county Members sitting opposite against this tax, and how difficult it was to answer them. Besides, it would have been almost impossible under any circumstances, and however much the Government might be pressed for money, for a Chancellor of the Exchequer to increase the Malt Tax; whereas the substituted duty afforded the Finance Minister of the day a source of Revenue which he could increase or decrease in accordance with the requirements of the country. On that account he heartily approved the leading feature of the Bill. But he rose chiefly to express his great satisfaction at the last, and to his mind the most important, clause of the Bill now before them—namely, that which empowered Her Majesty in Council to revise and reduce the Wine Duties. When his right hon. Friend spoke the other night he (Mr. Baxter) thought he was rather sanguine in fixing the 15th of August for this change, and he was not in the least surprised at the remarks which had fallen from him that evening. But to him (Mr. Baxter) it was a matter of small importance whether the clause stated August of this year or January or February of next. It was equally un-

important to the country. Although he was an out-and-out Free Trader—and he had said in that House before that he should like to go perhaps further than other Members of that House in the way of opening ports and abolishing Custom Houses and duties on many articles now taxed—he had never been able to sympathize at all with the objections made to Commercial Treaties; and he hailed with pleasure the prospect before them of new engagements, whether now or in the course of the autumn or winter, with France, Spain, and Portugal, because he felt satisfied that, if wisely arranged, they would be certain to give an important stimulus to British trade. They were told by certain people that those Treaties were altogether opposed to the principles of Free Trade. Surely the main object they ought to have in view ought to be the increase of trade between nations; and any expedient that would have that effect, in his opinion, ought to be welcomed by all practical men whatever theorists might say. Most of the objections to those Treaties, however, did not emanate from Free Traders, but from Gentlemen who were really, and had been during the whole of their past lives, Protectionists at heart. The statistics of English trade with France since 1860, showing an immense expansion of trade, scattered all those anti-Treaty theories to the winds. The English import of wine had increased nearly tenfold, while that of Spanish wines had almost doubled; and hon. Gentlemen knew what an enormous increase there had been from this country of manufactured goods. If they wanted encouragement to enter upon new negotiations as proposed by Government, it was to be found in the opposition of the Protectionists in France, and to their endeavours to stop the negotiations. He was told the other day, and, no doubt, some people thought, that this whole matter was thoroughly looked into and settled in 1860, but that was 20 years ago; and there ought to be no more finality in matters of finance and commerce than in politics, and the proposals of the Government showed a very clear and practical illustration of those matters. He wished to say that, in his opinion, they were all very much indebted to the right hon. Gentleman opposite the late Chancellor of the Exchequer for having so promptly conceded a Committee on the Wine Duties

last year, and also to his hon. Friend the Member for Oxfordshire (Mr. Cartwright) for having presided over the deliberations of the Committee with great industry and ability. He had sat on many Committees, but had never been more interested in any inquiry, the absence of Party feeling and prejudice being most conspicuous throughout. He wanted to draw the attention of the House to three points which the evidence before the Committee clearly brought to his mind and the majority of those present. The first was that the country might set aside all apprehensions lest a material reduction of the Wine Duties should cause illicit distillation, and so injure the Revenue. The officers of the Customs Department treated that suspicion as a mere delusion, and the evidence of the gentlemen from the Inland Revenue Department was scarcely less emphatic. The second and most important point was this—that nearly all the witnesses declared that any material reduction of the Wine Duties must necessarily cause an enormous increase of importation and consumption of wine in this country. The fact which impressed itself most on his mind was that the wine trade of Great Britain was just in its infancy, and that, as compared with other countries, the consumption of wine in Great Britain was ludicrously small. They were told in evidence that the City of Paris consumed more wine in the course of a year than was consumed by the entire population of Great Britain and Ireland. Nearly all the Spanish, Portuguese, and French merchants connected with those trades, speaking from long practical experience, and great knowledge of the subject, stated that a revision and reduction of the Wine Duties would immensely increase the quantity and improve the quality of the wines imported to this country. Another point struck him forcibly, and that was the intense anxiety shown by many of our own Colonies—South Africa and Australia especially—to obtain such a reduction, so as to enable them to do a much larger business in Colonial wines; and one or two of the leading Spanish merchants told the Committee that, in their opinion, South Australia promised in the future to throw into the market the very best wines in the world. The fact was that the heavy duty on strong wines had operated in-

Mr. Baxter

juriously on the wine trade of the Colonies. The third point, which was also clearly proved before the Committee, was that a large reduction on the duty on the wines of the Peninsular would, of necessity, in the very nature of things, bring about such a revision and reduction in the tariffs of Spain and Portugal as would enormously add to British trade all over the Peninsula. Our present Wine Duties were regarded as hostile to Spain and Portugal. Those countries tried to meet the duties by their tariffs, and the consequence was the British competition there had been almost entirely annihilated. The recommendations of the Committees in favour of a reduction in the Wine Duties was carried by large majorities, not, as was so often the case, by a majority of one, or the casting vote of the Chairman. The divisions were 9 to 6, 10 to 5, and in one instance 13 to 1, and the recommendations of the Committee, in substance and in spirit, were precisely the present proposals of the Government. He was very glad to hear what fell from the Prime Minister in regard to the scale of duties proposed to be levied, because he wished him to bear in mind that the great preponderance of evidence before the Committee was against a complicated sliding scale such as was proposed in the 4th Schedule of the Bill, and in favour of a uniform duty from 20 degrees up to 35. He was afraid the proposal of the Government in that respect would give rise to a great deal of unnecessary work and expense, and cause some delay and trouble. Indeed, in Spain and Portugal they were already complaining that there was another favour to France. He hoped the right hon. Gentleman would consider the question of bottled wines, and on this head see his way to alter his proposals. For his part, he was so pleased at the prospect of a reduction in the Wine Duties, and so satisfied that it would give an enormous stimulus to British trade, that he hoped the House would allow the Government to go with a free hand into the negotiations.

SIR STAFFORD NORTHCOTE: It had not been my intention, in any circumstances, to have entered into any very elaborate discussion of the general question; but after what we have heard this evening from the Prime Minister, I feel that I am less able to enter into such a discussion than I should otherwise have been. In several important

respects we have not yet got the whole of the Government proposals in such a form as to admit of their being profitably discussed. That is the case, at least, as regards one important portion of the Wine Duties. And then as to the details of the transformation of the Malt Tax into a Beer Duty we have not sufficient information. There are, however, a few remarks which I wish to make. In the first place, I must say it struck me at the time Notice was given of a Supplementary Budget, and still more when the Budget was introduced, that it was not very easy to explain why we had a Supplementary Budget at that time at all. Undoubtedly the canons which the Prime Minister has repeatedly laid down with regard to the inconvenience of making more than one Financial Statement in the year would have led one to suppose that it would have been only in the case of some great and pressing necessity that he would depart from his own principles and make, at the present time, a Supplementary Financial Statement when the year was so young. Of course, circumstances might have arisen which would render such a Statement necessary. But having given my best consideration to the grounds alleged by right hon. Friend, I still think they were far from being sufficient. I do not think the first ground stated, when my right hon. Friend introduced the Supplementary Budget, was one which the House need take much notice of. He stated that the Estimates which I laid before the House were not very sanguine; that they were cautious, but not too cautious; and gave us to understand that I had not erred by want of care in framing them. At the same time, he did not state that there was a prospect of such a failure in the Estimates as would induce him at this time to make other proposals of additional taxation. He referred to the small amount of £200,000 of Supplementary Estimates which would have to be voted, and which would rather more than absorb the surplus I had in hand. That might or might not be the case. I think it is far too early in the year to say what the effect of the Supplementary Estimates might be. We know that every year there must be Supplementary Estimates, and that in a properly constituted Budget there will be savings of no inconsiderable amount. It is impossible to say

where the savings will be; but in ordinary years the amount of savings under different heads will balance and cover the Supplementary Estimates. That, therefore, is not a ground upon which a new Budget involving considerable additional taxation ought to be proposed. But, no doubt, circumstances might have occurred which would render it necessary to provide additional funds for new and additional Services; and when my right hon. Friend referred to the possibility of some call upon us for India, he opened a consideration which might have justified a very important Financial Statement. But having done so, he proceeded to whittle away that ground, and to impress upon us that he had no proposals at that time to make, and that for some considerable time it would not be possible for the Government to bring forward such proposals. He made some observations, sound I think, on the desirableness of making such proposals in one form altogether, so as not to deal with a great question piece by piece. I think, under these circumstances, he would have acted more in accordance with the usual practice and the convenience of the House and the country, if he had waited until he was in a position to make proposals with regard to giving relief to India, and to providing the Ways and Means which might be called for. His object was to make provision for possible calls, without knowing himself that they will ever be made. The financial result of his proposal, as well as the amount he proposed to provide, is so small as rather to preclude the possibility of his making any large assistance to Indian finance unless in the way of some loan raised and the interest upon it. We may therefore, I think, set aside these as considerations which could hardly weigh with us in considering the propriety of bringing in a new Budget at this time. There was another reason which the Prime Minister put forward and laid considerable stress upon. He told us that the French Commercial Treaty was coming to a close; that within a short time it would be necessary to have a new Treaty, unless we were to lose the advantages which the Treaty of 1860 had conferred on our trade; and that, in order to successfully carry on the negotiations which Her Majesty's Government were opening with France, it would be necessary to make some proposals with regard to the Wine Duties;

and, therefore, he took the opportunity of asking what certainly is very unusual—that we should give the Government power, by Order in Council, to propose and carry through a particular set of propositions with regard to the alterations in the Wine Duties. At the time it struck me that that was a strange proposal to make—and one in connection with which I have very much doubt as to whether it is likely to conduce to a satisfactory conduct of negotiations with a foreign country. It certainly seemed to me that, before the basis of the negotiations had been laid, a proposal of that kind, and the putting into your Act of Parliament a provision that the whole thing must be settled by a particular day, and that a very short day, was not likely to conduce to a settlement; and what we have heard from the right hon. Gentleman to-night confirms my impression. But, leaving that aside for the moment, we have to consider, not only the alterations in the Wine Duties with France, but what effect they will have on other countries—Spain, Portugal, Italy—whose wines are of greater strength; and we have heard nothing to explain to us with what probability we shall consult the interests of this country in negotiating with these foreign countries by laying down in an act of Parliament a scale that would be applicable to the wines of those countries. So far as I am aware, the scale that is proposed in the Bill is not very likely to give satisfaction to some of those wine-growing countries; and I really do not know in what position we may be to arrange our tariffs with them if we are to be bound by a scale such as this, without knowing how it will be looked at by those Powers. We have to accomplish a most difficult task—to arrange a scale to give satisfaction to several countries, all of them jealous about the scale, and as to its being an equivalent of something to be given on the other side. I do not desire to lay down any strict principle of political economy on the subject of Tariff Treaties. I am not at all indisposed to make Commercial Treaties, and endeavour to obtain advantages in consideration of advantages given to other countries. But I am quite sure, if you enter on that system, if you are to carry it throughout your commercial policy, as matters now stand, you will find yourselves embarked in a most difficult and complicated task, because the “most

favoured nation” clause will oblige you to give to several countries unconditionally what you obtain from others in return for equivalent concessions. Now, we are told all this is laid aside for the present. I am not sorry to hear it. The right hon. Gentleman tells us to wait a short time, when he promises us further information. In the meantime, I am quite ready to say this—that it will be of great advantage, now we have these proposals before us, that those who have practical information on the subject should give us the benefit of it. I do not enter into the question myself, feeling that I do not speak with authority upon it; but I do feel great hesitation in accepting the system of a rise of duty by so much per degree. I remember that when the alcoholic scale was first introduced there were two breaks instead of one. There was a break at 18°, and it was found inconvenient, because, to use a phrase familiar at the time, it “cut into the middle of the clarets,” and so rendered it necessary to test a great number of samples. This is what I apprehend now. The right hon. Gentleman says it would be inconvenient to the officers of Revenue to examine a great many more samples imported. That is the objection; but it is not confined to the officers of the Revenue; the inconvenience is, no doubt, shared by the public—by the importers of wine, in loss of time, and perhaps in the injury caused to the fine wines by the opening of the casks. But I would rather have that matter discussed by those who are personally conversant with the subject. I have made my contribution to the discussion in a friendly sense, not being at all desirous of setting up my own views on a subject which, I think, requires serious consideration. I believe there will also be objections taken to the particular rate at which it is proposed to rise to higher degrees; but all these questions will come up in Committee on the Bill. Another matter—and really the important question raised on the scheme and Bill—is the transformation of the Malt Tax into the Beer Duty. It is, of course, open to observation that that is a proposal which has its political side. We heard, the other night, from the Home Secretary, what wonderful interest would hereafter attach to the night of the 10th of June, when this proposal was made, and how the Liberals would be greeted with the applause of

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the agriculturists. I do not, for a moment, deny the right of the Government, if they think fit, to come forward and make a political Budget, and make offers to gain the support and confidence of the agricultural interest. I rather doubt myself whether, when the proposal is thoroughly examined, it will be found to be a benefit so great to the farmers as, at first sight, may appear. But here, again, I think a great deal will depend on the criticisms which will be more properly reserved for Committee as to the exact manner in which the change will operate, the exact restrictions to be put on the brewing trade, and the facilities that will be retained. Of course, we must bear in mind the question of the importation of foreign malt. I altogether dissociate myself from any proposal to object to the taking off the duty; but I should not be surprised if, after all, it caused a good deal of grumbling. This proposal to change the Malt Tax into a Beer Duty is one that has often and often been made; but I agree entirely with the hon. Member for Glasgow (Mr. Anderson), when he said the credit of a proposal of a financial character ought not to rest with irresponsible persons who had sagacity to discover it, but with the Government, which sees its way to adopt and introduce it. Therefore, I do not think it at all worth while to enter into the question as to the origin of the suggestion; but, at the same time, I may say that if there is anyone who is entitled to credit in the matter it is the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot), who in 1870 brought forward the proposal, and seriously pressed the right hon. Gentleman in favour of a course similar to that which is now being taken. The proposal made was that a brewers' licence duty should be substituted for the Malt Tax. The Chancellor of the Exchequer of that day (Mr. Lowe) admitted the general argument in favour of such a change; but he objected to it mainly on two grounds. It was inconvenient to collect so large an amount of Revenue from something like 33,000 brewers instead of 9,000 maltsters, and it would involve restrictions of the brewing trade which would be vexatious and inconvenient. For these reasons he did not feel himself able to make a proposition; but he promised to consider the

subject. The matter was brought before me, and precisely the same objections were raised when I came to consider it. The number of brewers had diminished at the time; but, still, we had to consider—is it safe in the interests of the Revenue to collect taxes which produce £8,000,000 from 23,000 persons instead of from 8,000? Is it safe to do it when you consider that the process of brewing is far more easy than the process of malting; and will it not be necessary, if the change is made, to introduce restrictions into the brewing trade? I did not see my way to deal with the question; my right hon. Friend is bolder, and is attempting to deal with it. I will not say anything with regard to the difficulties he has to encounter. The number of brewers is larger than the number of maltsters, and it may be increased by the new system. [Mr. GLADSTONE dissented.] My right hon. Friend shakes his head; but, at any rate, it would be easier to set up an illicit brewery than an illicit malt kin, and brewing takes a shorter time and requires less apparatus. That is a point which is of serious importance to the Revenue. It has been said that co-operative arrangements for brewing might have furnished a means of evasion; but I am glad to hear that that is to be guarded against in the Act. There are two questions which arise. One is, what will be the financial effect of the change? and the other is, whether it is necessary to pay such a price as we are asked to pay for it? Financially, the change will prove much more favourable to the Revenue than we have hitherto been led to expect. In the Paper placed in our hands it is stated that the amount of Beer Duty receivable in five months will be £3,800,000. I should like to know whether this may be taken as a fair sample of the year? I understand from the right hon. Gentleman it may not, and, therefore, I may not pursue the calculation; but if that might have been done, the Beer Duty would have produced £750,000 more than the Malt Tax. As to the price we have to pay, I admit there is much good in the proposal, provided we are secured against fraudulent evasion. You ought not to look a gift horse in the mouth; but this is not exactly a gift horse, because you have to pay for it, and in a manner extremely

unpleasant to a large number of taxpayers, by an addition of 1*d.* to the Income Tax, at an inconvenient time of the year, to the upsetting of arrangements made on the basis of a lower rate of the tax. It will be a serious addition to the burdens of the Income Tax payer at a time when we know he is not in a flourishing position. Although there is improvement in trade, and there are good hopes of the harvest, yet we know the country is still suffering materially from depression, and an increase of the Income Tax is by no means an acceptable proposal. There is considerable force in the question which has been asked—why should you lay this upon the Income Tax payers, and why not put it upon the beer drinkers? The reply is that it is a good investment of the penny, and that we should gain the advantage of being able, at any time when we want a larger Revenue, to raise it in a simple manner by an addition to the Beer Duty. That is an important consideration; but it cuts both ways. An addition to the duty on the beer consumed by the people of this country is likely to be unpopular, and may lead to inconvenient consequences. It is exceedingly difficult to raise additional Revenue by additional taxes of this kind on articles largely consumed by the working classes, as we found when dealing with the Tobacco Duties. The consumer expected the same quantity for his money, and so, in order to meet the additional tax, the dealer found it to his interest to tamper with the quality; and the same may happen in the case of beer. But I do not care to prophecy all these remote consequences. It seems to me the Budget, as a whole, is hardly justifiable in respect of the time when, and the grounds upon which, it is brought forward. Without denying there is a great deal of good in it, I think there is not sufficient justification for disturbing the financial arrangements of the year at this season. I think there was very great want of judgment in taking the particular line that was taken with regard to the Commercial Treaty and the Wine Duties. As to the Malt Tax and the Beer Duty which is proposed, it is an experiment which is to be tried under conditions that cannot but cause anxiety to the guardians of the Revenue; and with regard to the Income Tax I must say it is a measure likely to be unpopular, and which can be hardly justified

in the eyes of those upon whom we call to pay it. Considering that the main proposal is not to involve any loss of Revenue, but is to increase it, it would have been better—if it had been thought necessary and desirable to make the change this year—that arrangements should have been made for carrying it into effect without additional taxation. I believe it could have been done by some arrangement which would have been justified. You were not going to incur additional expenditure; you were not surrendering a tax; you were only transferring it to a form in which it will be more profitable. I have no intention of objecting to the second reading of the Bill; but I hope when we get into Committee we shall be in a position to criticize to more advantage some of the details to which I have drawn attention.

MR. CARTWRIGHT said, he approved the proposal of the right hon. Gentleman to abolish the 27 degree standard as the point of demarcation between the so-called natural and artificial wines; he also approved of the lowering of the limit of strength for wines below 42 degrees, because that point was so high as to encourage the manufacture for the English market of wines imperfectly fermented through an excessive addition of spirit. To charge the duty according to the alcoholic strength of the wine would avoid all danger of strong wines being made use of for the purpose of illicit distillation. He must, however, take exception to the scale of duties as proposed in the Bill, because it involved a gradation by degree which was certain, in his opinion, to cause great trouble, to lead to disputes between the merchants and Custom House authorities, and prove vexatious to the trade. The present system of charging the duty upon wines had operated adversely to the interests both of the consumers and of the importers, by stimulating the importation of highly brandied but badly fermented wines. The bulk of the bottled wines was imported from Germany and from France; whereas the wines in wood came to this country from Spain and from Portugal, and great care was required in the re-adjustment of the duties not to place their wines in a worse position than the light wines of France. A Return made in 1835 showed that the Peninsular wines, which were of a high

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alcoholic strength—namely, from 35 to 37 degrees—paid upon the scale then in use 225 per cent more than was charged upon the light wines of 20 degrees, and he was glad that this inequality was about to be reduced. The Committee on the subject had drawn up their Report with a desire not to go beyond the Order of Reference, and to leave the delicate questions involved to be dealt with, as much as possible, by the Executive; but they felt that the alteration in the Wine Duties was a matter which closely affected our commercial relations with other countries. He thought that when they were altering the Wine Duties they ought to have framed the scale in such a way as would have facilitated, to a great degree, the consumption of wine, which was only drunk in the proportion of about 3 per cent of the alcoholic strength to the total consumption of alcohol in this country. The heavier wines were, in his opinion, unduly burdened.

Mr. SLAGG said, that Her Majesty's Government deserved the thanks of the House for the action they had taken with respect to the negotiations with France, which he believed were fraught with great promise to the commerce of this country. The Legislature usually paid too little attention to matters favourable to the raising of revenue, and too much attention to matters which involved its often lavish expenditure. He, therefore, thankfully acknowledged the efforts of the Government to extend the commercial relations of the country with France. The late Chancellor of the Exchequer had expressed his regret that we had no assurance that we should get from France some return for the duties we were surrendering. So far as he understood the letters which had been interchanged between the two Governments he thought they had that assurance. The negotiations had been, and he hoped and believed would be, carried on on that basis. He regretted that such negotiations were necessary, and that France was not prepared to do voluntarily that which was manifestly for her own good. They had, however, to face the condition of things which existed. They were bound to reduce import duties when the Revenue enabled them to do so. The French and other Governments would not approach us unless we brought something in our hands in order to induce them to bargain with us; and the only thing we

could bring to the French Government was the Wine Duty. The Treaty of 1860 had been, to some extent, foisted upon the French people. They regarded it as having been the result of underhand negotiations, and that fact had embarrassed us in all our negotiations since that time. A different state of things now, however, existed. France had made an approach to us, and it would be adverse to the interests of the country if the House of Commons and the public opinion of England did not welcome that approach. The products of France were required here, and our products found a ready market in France. In that country they had to deal with a prudent, solvent, and enterprising class of traders; not, perhaps, so bold or enterprising as English traders, but that was more than made up by their prudence and solvency. France, too, furnished the key to our Treaty relations with other countries. With regard to Spain and Portugal, we had lost a valuable trade, and it was of the utmost importance that we should come to terms with those countries. In consequence of the Wine Duties, the Spanish Government had imposed such restrictions on the import of English goods as almost to annihilate our trade with the country. Great advantages had, however, resulted from the Commercial Treaty of 1860 with France. Before that Treaty, the textile, stoneware, glassware, hardware, cutlery, and other imported industries were excluded from France. In 1859, our exports to that country amounted to £4,000,000 only, and our imports to £16,000,000, while in 1878 our exports had risen to £14,000,000 and our imports to £41,000,000; and he saw no limit to the increase in the trade if satisfactory terms were made in the new Treaty. Such negotiations as the Government were engaged in in France, and a mutual interchange of opinions, formed the best means of teaching Frenchmen their true trade interests. He rejoiced at the excellent understanding developed between the two countries by the Treaty of Commerce of 1860 and similar engagements. Let anyone compare the heated, jealous, and angry temper which prevailed in the days of Lord Palmerston with the calm, friendly, and business-like relations that existed to-day. He believed that the good terms upon which England and France were with one another would gain in intensity after

the acceptance of the Treaty now proposed by our Government, and would afford another guarantee for the maintenance of peace.

MR. ORR EWING said, that the hon. Member for Manchester (Mr. Slagg), who had just spoken, complained of the duty upon French wines being only reduced to 6*d.*, and put forward a wish that it should be reduced to 3*d.*, on the ground that the prime cost of wine was 8*d.* per gallon. He thought the hon. Member would be astonished to hear that the prime cost of whisky was something like 1*s.* 6*d.* or 1*s.* 9*d.* per gallon of proof spirit, and that there was a tax upon that of no less than 10*s.* Surely that disparity was much greater than the one he drew attention to. The hon. Gentleman seemed to consider that their import duties ought to be reduced according to their financial condition. Happily they had but few import duties to reduce, for the only one they had was that on wine, brandy, rum, tea, and coffee, which were luxuries of life. He would like to ask the hon. Gentleman if he proposed to reduce the duty on wines, brandy, and rum in proportion to the condition of the country from the financial point of view, without doing justice to the distillers and brewers of the country, by reducing the duties upon the articles they produce in proportion. He did not think that he could seriously mean such a thing, and the country would not submit to it. The hon. Member for Oxfordshire (Mr. Cartwright) thought that the great defect of the proposals of the Chancellor of the Exchequer was in not imposing an increased duty according to the alcoholic strength; and he suggested, as a way of getting out of the difficulty, an *ad valorem* duty. He said he had no doubt that they might be subjected to fraud under an *ad valorem* duty, by putting a smaller value upon wine imported into this country than it was really worth; but he afterwards thought as to that that they had a remedy at hand, because they had their Custom House officers to watch, and if they saw that too low a value was put upon the wine which was imported they could take possession of it. He (Mr. Orr Ewing) was afraid, however, that if they allowed of the Customs confiscating wine which was considered as of too low a rate of value, the Government would become a great wine merchant, because it would be so often tried that they

would take possession of a great quantity of wine which he presumed they would sell and not destroy. He was quite satisfied that if they looked at the subject from all points of view it would be seen that the suggestion of the hon. Member, if carried out, would lead to serious difficulties. Then, as to the remarks of the right hon. Member for Montrose (Mr. Baxter), he seemed to have a great dislike to whisky, and could not work himself up to the enthusiasm which Scotchmen generally do in demanding that justice or some approach to justice should be done in regard to taxing whisky in comparison with wine and beer, and he asserted that it would be most injurious to the interests of Scotland if whisky should be taxed at a lower duty. He disputed that point. There was a common belief among hon. Members, and among Englishmen especially, that Scotland was a much more dissipated nation than England. The very reverse, however, had been proved, for if they took the quantity of alcohol that was in wine, beer, and spirits drunk by the people of England, compared with that drunk in Scotland, they would find that the people of England drank at the rate of 50 per cent more than the people of Scotland. He felt thankful that the right hon. Member for Montrose, although a Scotchman, was not Chancellor of the Exchequer, because he felt very certain, from the remarks which the present occupant of that Office made in his Budget speech, that he had a much more kindly feeling and a much more kindly intention towards amending the discrepancy in the taxation of England and Scotland than the right hon. Member for Montrose indicated in his speech. He had listened with great interest and satisfaction to the speech of the right hon. Gentleman the Chancellor of the Exchequer, when introducing his Budget to the House. But he did not concur with his proposals as to wine, and he regretted that he should have thought it necessary to put an additional penny on the Income Tax to carry out his proposals. Still, the change he proposed to make by abolishing the Malt Tax and putting a duty on beer, inaugurated a new, and what appeared to him (Mr. Orr Ewing) to be a sound system, and would be a mine of wealth to future Chancellors of the Exchequer, who would be able thus to raise more taxation in an emergency.

Mr. Cartwright.

He trusted, however, that the means thus at command would be used to readjust taxation. By an increased taxation of beer, they might abolish the tea and coffee duties, and even the Income Tax. There was no part of the right hon. Gentleman's speech which gave him more satisfaction than that part in which he announced his intention of abolishing the Malt Tax. The right hon. Gentleman had said—

“Now, let us consider what that entails. It means, in the first place, that we are to do away with a revenue approaching £8,000,000. It is quite evident that £8,000,000 are not to be had to fill a gap of that kind without financial changes of the most formidable kind—I would say, in a financial sense, of a revolutionary kind. Even this is not the greatest objection. Let us consider the gross inequality which would be established by such a measure, and that in more senses than one in a country like this, where we raise one-third of our Revenue, or something like it, by taxing alcoholic drinks. You would say, in respect of one of these alcoholic drinks, that it should be set entirely free, and that the other two should be made subject to a heavy duty; so that the man who drinks a glass of whisky-punch, even though he dilutes his spirit with water down to the weakness of beer, would be subject to an enormous tax, while the beer-drinker would pay nothing at all. The inequality would be so gross that such a proposal would be inadmissible. But the inequality is not only between the different kinds of alcoholic beverages, but the inequality goes much further. Consider what it would be between the three countries which make up the United Kingdom. Beer is the standing and staple drink of the people of England, but whisky is the standing and staple drink in the same proportion of the people of Scotland and the people of Ireland, and you would be about to establish a state of things in which the staple drink of England should be entirely removed from a tax, and in which the staple drink in Ireland and Scotland should continue to contribute many millions to the English Revenue.”—[3 *Hansard*, cclii. 1638-9.]

He was grateful for this frank admission that Scotland and Ireland had a deep interest in the mode and extent to which the people of England contributed to the Exchequer for the alcohol they consumed, and that it would have been unjust to these countries that beer should not have been taxed when the Malt Tax was abolished. But he wished to point out to the right hon. Gentleman, and to the House, that he did not do full justice to Scotland and Ireland by this Budget, because he only proposed to put a duty upon beer, porter, and ale equivalent to the present Malt Tax. He hoped that in future the Three Kingdoms would be put upon an equality with

respect to the taxation on the alcohol they consumed. Taxation on alcoholic drinks should be laid on in proportion to the amount of alcohol they contained. This was the only just principle, and, if it were adopted, no foreign nation would have any ground to complain. How did the matter stand at present? Whisky and other spirits paid 10s. per gallon on proof spirits if distilled in this country; and if they were imported from foreign countries, they paid 10s. 5d. — the 5d. being paid to compensate the distiller at home for some supposed loss sustained owing to our more stringent Excise Laws—while Spain and Portugal paid on an average 6s. per gallon of proof spirits, and French wines paid on an average 4s., whereas beer paid only 1s. 8d. per gallon of proof spirits. Was it therefore to be wondered at that these countries complained that free-trading England should give such an enormous advantage to the home manufacture of beer? The right hon. Gentleman, by his Budget, intended, to a certain extent, to lessen this inequality by lowering the duty on light wines of 20 degrees to 6d., adding 1d. for every degree up to 35 degrees, so that wines of 20 degrees of strength, which was one-fifth of proof spirits, would only pay 2s. 6d. per gallon of proof spirits, or one-fourth of what was paid in respect to whisky or other spirits. He would like to ask the right hon. Gentleman if this was just to Scotland? He was sure that he must answer that it was not. He had another objection to the proposed alteration of the duty upon wine, and that was the manner in which it was to be done. Power was given to the Government to reduce the wine duties, in order that they might give some sop to the French to induce them to arrange a more favourable Commercial Treaty with this country. He disapproved of this mode of arranging our fiscal duties. We would be placed in an awkward position if we determined at a time of great emergency to increase the duty upon beer. We would be prevented from increasing the duty upon wine by our hands being tied by this Treaty. The only just principle was to tax all alcoholic drinks according to their alcoholic strength. He did not propose that they should raise the duty upon wine and beer at present to the high duty upon whisky and other spirits,

and he thought the duty upon whisky should never be reduced. He felt grateful to the right hon. Gentleman for the courage he had displayed in grappling with this drink question by abolishing the Malt Tax, and putting a tax on beer, which was one of the most important measures proposed to the country since the great Free Trade measures of Sir Robert Peel. The question had been for many years before the country. He (Mr. Orr Ewing) had in and out of the House advocated this change. In the Budget discussion of 1874 he said—

“There is but one way by which the malt tax can be repealed, and I trust the Chancellor of the Exchequer will have the courage to grapple with the question—by placing brewers under the Excise, and charging them for their production, according to its alcoholic strength. If the right hon. Gentleman would have the courage to do that, he would have funds not only to abolish the malt tax, but the tea and coffee duties, and the income tax, and would have a large sum to devote to reduce local taxation. But above all, Sir, he would have the satisfaction of feeling that he, an English Chancellor of the Exchequer, had done justice to Scotland and Ireland, who were powerless of themselves to effect the change in equalizing the taxation of the three countries in their national beverages.”
—[3 *Hansard*, ccxviii. 1194.]

The Scotch Members and Scotchmen generally would be thankful to the right hon. Gentleman for grappling with this important question.

MR. M. A. BASS desired to say a few words on the subject of this transfer of the Malt Tax to a duty on the manufactured article—not so much because he, in common with a large body of traders, was interested in the question, as because he also more directly represented a large body of gentlemen whose interests he feared would be prejudicially affected by the proposed change. They deprecated the change that was proposed both in principle and detail. They were told that three classes of persons would be benefited—namely, the farmer, the brewer, and the consumer. They all knew that for the last 50 years the question of the Malt Tax had been made a political stalking-horse out of which to make political capital with the agriculturists; but the more the question was looked into the more adverse the proposed change would appear to be to the real interests of the farmer. The Prime Minister, in introducing his Budget, made no secret of what would be its effect. He said—

Mr. M. A. Bass

“I am strongly of opinion that a tax like the Malt Tax has a powerful effect in gaining an artificial preference for a particular commodity grown by a farmer to the exclusion of other commodities.”

He thought there could be no doubt that that was the effect of the Malt Tax. The present excise regulations practically confined the brewer to the use of barley in the shape of malt. There were few countries indeed that in ordinary seasons could grow barley which could compete in quality with that produced in this country. Barley, in fact, was the one article in which the British farmer could compete with advantage with his foreign competitor. They had heard a good deal of protection to the farmer. He should like to ask the House what better form of protection the farmer could possibly have than a system of regulations which compelled the brewer to make use of a particular article manufactured in a particular manner, and that article one in which the British farmer was pre-eminent. He knew that it was said that the tendency of the present tax on malt was unduly to push up the better class of barley at the expense of the lower. He would not deny that, to some extent, that might be its effect; but, if so, so much the worse for the grower of the better class of barley when the Malt Tax was removed and placed upon beer. But, at any rate, under the present system of taxation, large quantities of medium barley were malted; and that was due, to a great extent, to the preference given to that grain by the present Excise regulations. But he should like to ask the British farmer how he considered that he would fare in future when all restriction was removed on the use of materials by brewers? He would have to compete with the whole world in beer-producing cereals, as he had now to do in the production of food-producing ones. At present the foreign maltster was handicapped by the heavy duty on malt; but when that duty was removed he would, with his cheaper labour and the low rates of carriage, become a formidable competitor to his British rival. The Prime Minister stated that a duty of 6s. on the average barrel would impose no additional burden on the trader, and almost in the same sentence he told them he was about to get £400,000 more from the trader and to impose additional

tions on him at a cost of £40,000 to the Revenue. Those who were led by the proposed change had carefully into its details, and on basis originally propounded by the hon. Gentleman they thought that revenue would benefit to the extent, £400,000, but more nearly of £500,000. The present Malt and Beer Duties amounted to 22s. 8½d. per quarter. It was proposed to raise it to 25s. The right hon. Gentleman assumed that one-third of the brewer's profit, or 10d., was due to the Malt Tax, and that the restriction about to be removed would be another 1s. to the consumer; and added 5½d. to give the turn of the tax to the Revenue. He produced a list of 25s. per quarter, and afterwards added it to 24s. by throwing them back on waste. He had somewhat modified his proposition that night. Those interested in that business were unable to say on what basis the consumer would get the benefit of 10d. on the malt-profit by the removal of the tax. He denied that the Excise restrictions on the making of malt were any appreciable burden either on the procedure or the buildings of the maltster. Speaking in the advice of responsible and experienced managers, and as a member of a firm that made more malt than any other maltster in the Kingdom, he could say that the right hon. Gentleman that the recent Excise regulations did not impose any appreciable restrictions on the business, and that if they were taken away with they would neither alter the buildings nor their procedure in any respect whatever. But they objected to the right hon. Gentleman's assertion that 24s. was a fair equivalent for the old duty of 22s. 8½d.; and they insisted still more to the basis on which the duty was to be assessed, and to the manner in which it was to be levied. The Inland Revenue estimated the produce of a quarter of malt to be four barrels of 1,055 gravity, equivalent to 100 gallons of extract. On that assumed basis a duty of 24s., or at the rate of 3s. 3d. for every pound of extract, was to be levied. But they contended that the minimum average produce of a quarter of malt was not 79 1-5lb., but 83 3-5lb. That at 3s. 3-5d. per pound would make the duty to be paid on each quarter of malt 26s. 8d., or 1s. 8d. per quarter

more than the assumed tax of 24s. Again, the Malt Duty had hitherto been calculated on the number of quarters of barley steeped—not on the number of quarters of malt made from a given quantity of barley. On the average, 100 quarters of barley produced 105 quarters of malt, and the extra five quarters had not paid duty, acting, in fact, as a kind of discount or rebate, and making the duty in practice about 20s. 8d. instead of the nominal sum of 21s. 8d. But now the actual produce of the malt was to be taxed; the whole 105 quarters produced from each 100 quarters of barley would pay duty in the shape of beer extract, and thus an additional 1s. per quarter would be laid on the manufacturer. The total amount of the duty would be 26s. 8d. per quarter, or an addition of 4s., as compared with the old tax of 22s. 8d. There were 7,200,000 quarters of malt produced last year, and with the new tax the right hon. Gentleman would get 4s. a-quarter additional, or £1,400,000. The right hon. Gentleman had held out some hope of concessions. He proposed to give them 6 per cent instead of 4 per cent for waste. That was 6d. per quarter, and it would reduce the £1,400,000 to £1,200,000. Every point in the scale meant a difference of 5d. per barrel; and if the right hon. Gentleman gave them a real, substantial alteration of the scale, many of their objections to his proposal might be removed. The right hon. Gentleman, in introducing his Budget, said he wished to make the regulations as easy as possible to the trade. He said there would be no interference with their premises or times of brewing, and that brewers could brew from what they pleased, and how they pleased. The new method of assessing the tax on beer was, however, derived from Austria; and he understood that the Austrian brewers actually groaned under their oppressive Excise regulations, and were now endeavouring to get the system on which the tax was collected from them modified. The Bill of the right hon. Gentleman absolutely bristled with pains and penalties; and the restrictions on malting, which were now comparatively harmless, were to be transferred in a more onerous and inquisitorial form to the brewer. An Exciseman must live day and night on the brewers' premises, not a very pleasant

matter to begin with. Again the Excise-man would be permanently installed in their fermenting rooms, and would supervise and interfere at that special stage of their manufacture which most demanded care and attention, and he would gain a knowledge of those details which they wished to guard most jealously from the eye of a stranger. Then they were to be liable to eight separate penalties of £100 each, and to one of £50. There would be a far greater number of entries and checks than under the old malt regulations. All their vessels were to be fixed in a way to be defined by the Inland Revenue Department, and conditions were laid down which a practical brewer would tell them it was impossible to fulfil, but which, nevertheless, if not complied with, would subject them to fines of £100. They would have to keep the produce of one brewing separate from the produce of another for 24 hours. That was impossible, and yet the brewer would have to pay a fine of £100 for not obeying that regulation. No doubt the Excise officers would meet them fairly; but those things showed the animus of the Bill. The Bill was of a most vexatious and inquisitorial character. The Prime Minister said that he was removing restrictions on the making of malt which would be worth 1s. to the consumer; but he took nothing off the brewer for imposing far more objectionable restrictions on the manufacture. No doubt the number of private breweries had been decreasing from year to year; but he greatly feared that under the stimulus of the bonus of 6s. a-quarter private breweries would largely increase. Hitherto the private brewer had paid the full amount of duty on the malt; now he would have a bonus of 6s. per barrel, and would have to pay only a nominal licence tax. He was glad to hear that private brewing was to be restricted to the occupier; he was satisfied that if that were not done they would have co-operative breweries springing up in every part of the country. He failed to see how the employer of labour could be prevented from brewing large quantities of beer at a cheaper price than he could buy it, and so paying wages partly in beer. As to declaration and assessment by the occupier himself, was it in human nature for him to be more punctilious than many were in assessing themselves for the Income Tax? He feared that

in the ultimate result the Revenue would be defrauded to the detriment of the Excise and of the honest trader, or the Inland Revenue, in self-defence, would be compelled to exercise a more stringent supervision, which would lead to an agitation for the withdrawal of all restrictions on private brewing. On the assumption that the brewer would derive a great advantage from being able to use all sorts of materials in substitution for the good, old-fashioned, honest malt, it was proposed to put upon him additional taxation to the amount of 3s. 6d. per quarter, and we were to pay 1d. more of Income Tax; and by a cruel irony the money thus obtained was to be used to cheapen French wines to the extent of £300,000 a-year in order to conciliate the French producer, whose Government was about to impose additional taxation on the import of beer into France. No sufficient reason had been shown for so great and so sudden a fiscal change. He believed the farmer would suffer most of all from the reduction in value of the higher qualities of barley, from the competition in foreign malt, the competition in maize, and other cereals; and he believed the consumer would get beer neither cheaper nor better; while the brewers and the public would have to pay heavily in increased taxation, and the manufacturer would be subject to harassing and inquisitorial supervision and restriction.

MR. WATNEY said, that, as the right hon. Gentleman only desired a substantial equivalent for what he gave up, he believed the brewers would have no difficulty in showing that their case was a hard one, and in appealing to his sense of justice. The real question was the extract per quarter. The London brewers, who had had several meetings, put it down at 85 lb.; and the Chancellor of the Exchequer was, therefore, taxing them more heavily than he imagined, as he had evidently calculated the new duty on a supposed extract of 80 lb. per quarter. The 22s. 8d. the Government got now would be made 26s. 9d. They had submitted to him a memorial bearing on the supposed benefit of 10d. per quarter in respect of the malt duty and of 1s. per quarter on account of restrictions. The maltster had not kept malt longer than six months; he had been able to get three months' credit from the Government by giving a

bond, and almost three months by paying 3½ per cent per annum to the Revenue, which came to 2d. per quarter. As the maltster was thus able to hold malt for six months, at a cost of only 2d. a-quarter, it was not fair to say he would benefit to the amount of 10d. by the duty being taken off. The estimated profit of 2s. 3d. per quarter was not at all too much for buying barley, holding the malt some time, and running the risk of the market, and it was not to be supposed that of that 2s. 3d. so much as 10d. could be saved by not having to pay the duty. At present the restriction pressed very lightly indeed on the maltster; all the improvements that could be made were incorporated in the Excise regulations, and without the Malt Duty the malting business would have to be carried on in the same way. In the main items of expense—rent, labour, and coal—nothing would be saved. In future there would be restrictions, not on the finishing, but on the middle stage, when they gave most trouble. The removal of the old Beer Duty in 1830 was considered a very good thing by the brewers. It was 10s., but was reduced to 9s. 2d. by allowances; and when it was taken off the price of beer was reduced 12s., or 2s. 10d. more than the actual duty taken off. The restrictions to be put on the brewers would be much more onerous than those necessary for collecting the Malt Duty. The question arose whether the capacities of all the vessels used were to be tested, and whether the stock was to be constantly checked, as in the case of the distiller. The duty was to be levied on what was called "the square"—when the beer began to ferment. Were they to be prohibited from putting in afterwards sugar, saccharine, or wort? If not, there would have to be a strict guard to protect the honest trader. If the brewers could make out a good case, and could show they were not benefited to the extent supposed, he hoped the Chancellor of the Exchequer would modify his proposal as affecting them. The figures arrived at by the London brewers corresponded with those quoted by the hon. Member for Staffordshire (Mr. M. A. Bass), and they showed that the brewers would have to pay a tax of 26s. 9½d. per quarter, instead of the 22s. 8d. which they now paid. He trusted that in these circumstances the right hon. Gentleman would consent to

receive a deputation on the subject, who would be able to give him ample proof of the accuracy of their views with respect to it. He was glad that the right hon. Gentleman had taken into consideration the question of waste, and that the allowance for waste would be increased from 4 to 6 per cent. Without entering into a discussion with reference to the clauses of the Bill, he might say that he agreed with the hon. Member who had last spoken that many of them would be required to be altered in Committee—for instance, the clause fixing the time that all beer should be collected within the fermenting square within six hours, whereas in hot weather it was sometimes impossible to collect it within 18 hours. Then it was proposed that the beer should remain in the square 36 hours, whereas some brewers kept theirs in it only 12 hours. It was quite evident that the right hon. Gentleman had drawn up the measure without consulting the trade. He was, however, satisfied that the attention of the Government had only to be drawn to these points for them to be at once altered. He objected to the limit of £20 in value being fixed for the exemption of private brewers. He did not think that in proposing such a heavy duty there ought to be any exemptions at all, and certainly they ought not to extend beyond the agricultural labourer pure and simple. A farmer who was in the receipt of an income of £200 or £300 a-year had no claim to exemption; and he therefore thought that the rental limit of £20 should be reduced to £5, and he begged to give Notice that he would move an Amendment in Committee to that effect. In conclusion, he hoped that when we were entering into a Reciprocity Treaty with a foreign country we should require them, as some compensation for our reducing the duty upon their light wines, to reduce their duty on our beer.

MR. DUCKHAM urged that in the present depression of the agricultural interest it was necessary that something should be done for the farmers. He accepted the abolition of the Malt Tax as a boon; and, although it involved an addition of 1d. to the Income Tax. The cry urged by farmers was unheeded when the heavy addition of a 10d. Income Tax was imposed upon them for the abolition of the Turnpike Tolls, and a

further increase of 1s. to 1s. 6d. Income Tax for the purposes of education. The thanks of the farmers were due to the Premier for the proposals he had submitted, and there was a general feeling that it was only right to tax the manufactured article instead of the raw material. If the new tax would produce an additional revenue of £1,000,000 per annum, as had been stated, it would be a fine speculation.

MR. O'SULLIVAN complained of the large amount of increased taxation put on Ireland by the operation of the scheme of the First Lord of the Treasury. At present the scale of taxation varied from £3 on licensed houses up to £11 a-year; but, by the new scheme, it would range from £5 to £24. On the average, the increase would be about £2 5s. a-year in Ireland. He would probably be met with the objection—"We give the power to sell wines as well as beer and spirits." He found, however, that as about one-fourth of the beersellers paid wine licence, the increase in the scale proposed by the right hon. Gentleman would have the effect of placing on Ireland no less a sum than £30,000 a-year in the way of additional taxation. He appealed to the right hon. Gentleman's strong sense of equity to say whether Ireland did not pay quite enough taxation already without adding to it. According to the old scale, the duty charged on the small retailers, those who were valued under £10, was £3 6s. 4½d.; whereas, by the new scale, the duty of £5 would be imposed, and this additional taxation would fall on those who were the least able to bear it—namely, the poorest class. The second scale of duty was to be advanced from £5 10s. 3d. to about £8 10s. Considering the poverty and misery which prevailed in Ireland, he thought the increase altogether disproportionate and unfair. He expected he would be met with the argument that this additional taxation fell upon the people who took drink. To some extent, he admitted that it had; but the fact remained that this £30,000 a-year was to be taken out of the pockets of Irishmen to save the pockets of Englishmen, without the former receiving an equivalent. All he asked the right hon. Gentleman to do in adjusting this taxation was to impose less taxation upon a poor country with a small population than upon a country that was very rich and very

Mr. Duckham

populous, if there were scales of charges at all. There ought to be a different scale of charges on that principle between the two countries. Was it fair that a small trader in a village, whether in Ireland, Scotland, or England, with 2,000 or 3,000 inhabitants only to depend upon for a livelihood, should be charged as much duty as the wealthy trader in Regent Street or the Haymarket? It was true that the scale of duty would be regulated in proportion to the valuation of the trader's premises; but it was a well-known fact that some traders in the City of London received more profit in one week than small traders in country villages receive in the whole of the 52 weeks of the year. To apply the same scale to the small and the large trader alike was neither fair nor just. The scale ought to be regulated according to population, drawing the line at, say, 10,000 inhabitants. Another matter to which he invited the attention of the Prime Minister was that the Revenue of Ireland was raised according to the Government tenement valuation; the Income Tax, county cess, and poor rate were all raised on that basis; but an exception in favour of the Excise was made a pretext for increasing the licences of Irish spirit retailers. The Excise officer might now say—"I do not believe in the Government valuation; it is not sufficient. I will make a valuation of my own, and impose the tax accordingly." In that way an unfair and unjust tax would be levied. He, therefore, hoped the right hon. Gentleman would so alter the Bill as to have the tax levied on the Government valuation. If the right hon. Gentleman declined to do so, he would himself move an Amendment to that effect in Committee; and, if necessary, press it to a division, because he knew of cases occurring in Ireland where the Excise officer had increased the valuation, though the Government valuation was at the full amount. With regard to the Amendment of the hon. Member for Glasgow (Mr. Anderson), he, for one, could not support it. He preferred the proposal of the Prime Minister, who wished to raise £1,000,000 by an increase of the Income Tax, while the hon. Member for Glasgow wanted to raise it out of beer. This would be unfair, because a Beer Tax would be put on the poor man who had no income but his daily labour, while the Income

Tax would fall on the man who had an income. The proposal of the right hon. Gentleman was, therefore, fairer than that of the hon. Member for Glasgow. A man with an income large enough to render him liable to Income Tax might easily curtail his expenses so as to pay the additional penny in the pound.

MR. D. DAVIES said, he did not rise to find fault with the Budget, but to make an earnest appeal on behalf of the farmers, who complained bitterly of the Income Tax. He did not object to pay the Income Tax out of the profits he made; but the farmers, who had been supplying his workmen with cheap food, had fair ground of complaint. The landlords had, to a certain extent, come to the rescue of the farmers; but they had only begun to do it, and if more help was not given, he believed a large number of farmers would be ruined. He appealed to the right hon. Gentleman to take into his consideration the case of the farmers in connection with the Income Tax, and to exempt farmers from payment of Income Tax if they could produce a balance-sheet showing that they were not making a profit. He believed that many of them, owing to bad harvests and foreign competition, were not only realizing no profit, but were losing their capital.

COLONEL BARNE believed that, as the law stood at present, if the farmer could show that he was not realizing a profit, he could, on appealing to the Commissioners, obtain an abatement of Income Tax. He complained that, while the right hon. Gentleman had raised the licences of the wine merchants and publicans, no increase had been made on grocers' licences. This was very much felt by the publicans and the wine merchants. It was well known that the grocers' licences gave great facilities for secret drinking, especially among women.

MR. WILLIAMSON rose to express the great satisfaction with which he regarded the proposals made by the Chancellor of the Exchequer in his Supplemental Budget—a satisfaction which he was sure would be felt throughout the country. There was one point referred to by the hon. Member for Oxfordshire (Mr. Cartwright) to which he desired to call attention. He referred to the 20 degrees of alcoholic strength upon which it was proposed to impose

a duty on light wines. He was, however, informed that the great bulk of common wines grown in France ranged from 12 to 13 degrees, and he apprehended that if they admitted those wines on a lower scale of taxation the French Government would be satisfied with the fixing of such a limit as 6*d.*, which would stimulate the import into this country of cheap wines. The limit of 15 degrees, he thought, might very well be adopted instead of the 20 degrees for the limit of 6*d.* duty. He had no sympathy with the sentiments expressed by the hon. Member for Glasgow (Mr. Anderson), and re-echoed by the hon. Member for Dumbartonshire (Mr. Orr Ewing), for the taxation of whisky as compared with beer. The hon. Members argued as if Irishmen and Scotchmen were sent into the world on the express condition that they should consume whisky, and that there could be no disadvantage in making a broad distinction between ardent spirits and beer. There could, however, be no injustice, because Scotchmen and Irishmen were as free as were Englishmen to consume beer. But there might be a change in the national taste and habits and customs in Scotland and Ireland which might be of a manifest advantage. The hon. Member for Glasgow argued as if it were the duty of the Government to stereotype bad habits and customs; but he would find that in 1751 and 1753, legislation with respect to the Gin Acts brought about a highly beneficial effect on the public morals, and he thought great advantage to the public morality would be brought about by the proposed changes of the right hon. Gentleman the First Lord of the Treasury. And, just as there must be a broad distinction between the duties charged on ardent spirits and the duty charged on beer, so must they continue to collect higher duties on the higher alcoholic wines of Spain and Portugal than on the lighter wines of France. He hoped the right hon. Gentleman the Chancellor of the Exchequer would bring his powerful mind to bear on this question. The removal of the restrictions on the manufacture of beer with regard to malt would, he considered, bring about important results in this country. They knew that Bavarian beer was not made altogether of malt, but to a great extent of raw grain. Bavarian beer, he need not say, was a most excellent beer—

and prizes had been awarded it in Germany, Belgium, and other countries because of its excellent qualities, but, perhaps, more especially because it could be kept in open vessels a long time without the chance of its getting stale—and this might be an important consideration with regard to the keeping of beer fresh over Sunday. In conclusion, he trusted the First Lord of the Treasury would be chary in making concessions with regard to the duty on beer, and he congratulated the right hon. Gentleman upon his satisfactory Budget.

MR. BIDDELL was under the impression that he had heard the Chancellor of the Exchequer once say that wine could bear a good deal higher taxation than beer, which was the beverage of the poorer classes. At all events, those who could afford to drink wine, which was a luxury, could afford to pay a good tax for it. If he was correct in this supposition, the right hon. Gentleman was somewhat inconsistent in placing a tax on beer and facilitating the introduction of wines. The present was a very inappropriate time to increase the tax on beer, as they were called upon to take £300,000 off the duty on French wines. This, no doubt, would please Frenchmen, as it would stimulate the consumption of their wines in this country. Speaking generally, he approved the principles of the Budget, and thought a Beer Duty preferable to a Malt Duty. He hoped the right hon. Gentleman would reduce the poor man's licence from 6s. to 2s., and he would find a line ready drawn in the Small Tenants' Rating Act, which applied to houses rated under £6. His object in rising was to invite the attention of the right hon. Gentleman to the 33rd clause of the Bill, and to ask him to consider whether he would not omit the words, "and lands thereunto appertaining," thus giving relief to a very large number of poor farmers holding from 10 to 20 acres? That class was deserving of great sympathy. They lived as labourers did, but worked a great deal harder, and he trusted their case would be favourably considered, for no class were more worthy of having their burdens lessened, and no class required it more. He quite agreed with the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) as to the vice of drunkenness; but he was at the same time strongly of opinion that good sound beer, in mo-

derate quantity, was the best possible drink for working men. It suited himself if he had been working, and he should be sorry to see any legislation passed which would have the effect of preventing such persons from procuring at a reasonable price the liquor which was calculated to increase their strength for the duties which they had to perform. There was much good in the proposals of the right hon. Gentleman; but the Bill contained hardly a clause that he would not like to see amended.

MR. GURDON said, he thought the Bill would give to the farmers a boon which they had scarcely hoped to obtain, and, on behalf of the farmers of Norfolk, he begged to thank the Government for its introduction. At the same time, he regretted that the measure would impose a tax upon persons who brewed their beer in small quantities for purely home consumption; and he should be glad if the right hon. Gentleman could see his way to lessening the amount of that tax.

MR. A. J. BALFOUR trusted that the negotiations in reference to the Commercial Treaty with France might be brought to a successful issue, and, for that purpose, would gladly see large discretionary powers vested in the hands of the Executive. Hitherto the Government of this country had been able to offer something in exchange for the advantages given by foreign Governments in Commercial Treaties; but he feared that the means at the disposal of the Government by which these concessions were obtained were gradually, but with certainty, coming to an end. People occasionally talked as if foreign Powers modified their tariffs in the direction of Free Trade in consequence of their holding Free Trade doctrines. This was not so. They modified their tariffs because we gave them some substantial inducement to do so. But the substantial inducements it was in our power to give were nearly at an end. We had so simplified our own tariffs that any further simplification was almost impossible. The proposed reduction in the Wine Duties was probably the last, or nearly the last, bribe it would be possible for any English Government to hold out to induce a foreign Government to adopt principles of taxation which would be for its benefit not less than our own. Under these circum-

Mr. Williamson

it would be difficult to draw the line. The Government would have to consider what course they should adopt.

MR. MULHOLLAND thought, from the course of the debate, that whatever might be the abstract objections to a Commercial Treaty, both sides of the House recognized the practical benefits that had resulted from the French Treaty, and were equally determined to support the Government in its negotiations with France. The extension of trade in 1860, which had exceeded the expectations of everyone, justified the policy of Commercial Treaties, and the Treaty, being followed by others with the principal nations of Europe, had had a moral effect that was as conspicuous as its material results. With regard to the Wine Duties, taking them in connection with the negotiations now going on, the proposal of the Chancellor of the Exchequer was probably the best that could be devised, though it seemed to him to introduce modifications that were, at the present moment, unnecessary. Some of the considerable changes might have been deferred until negotiations with Spain and Portugal had been entered upon, and the Government need not have shown their readiness to give France greater advantages than were asked for. As things were, there was nothing in the total of the Wine Duties of which anyone could reasonably complain. In fact, it would be generally admitted that wine was taxed lightly, in proportion to its value, rather than heavily; but there was an inequality which could not be logically defended, and a certain amount of hardship also in the largeness of the class of wines above 26 degrees. As the House was aware, the principle on which the duty was fixed in 1860 was that all wines between 26 and 40 degrees of strength should pay the maximum duty. The result of the adoption of that system was that wines of a low strength, as compared with those of a high strength, paid an excessive duty. Two modes of getting rid of this inequality of the duty had been proposed—first, to divide the class from 26 to 40 degrees in the middle; and secondly, to sub-divide it into classes of every 5 degrees of strength. Those modes, however, were open to the same objection as the present system, though in a less degree—namely, that there would be under them always

an overcharge upon the wines of the lower strength in each class. He had, therefore, made a proposal in the Wine Committee of last year similar to that which the right hon. Gentleman now made, and it was a singular fact that every Member of the Committee who sat upon the opposite side of the House had then voted against that proposal. It was a satisfaction to him, and to those who thought with him, that a proposal which had emanated from their side of the House had been adopted by the right hon. Gentleman. The hon. Member for Oxford had revived a right of contract, which had engaged the attention of the Wine Committee last year; but he had omitted to mention that he (Mr. Mulholland) had succeeded in carrying an Amendment to his Report by nine votes to five—

“That the Committee are of opinion that the principle of the alcoholic scale should be maintained.”

This was in opposition to the proposal of the hon. Member, that wine should be taxed as a specific article, “Wine,” at a uniform duty. He need not remind the House of the large proportion of the Revenue which was derived from the taxes on alcoholic drinks; and, with respect to both malt liquor and spirits, the tax was in direct proportion to the strength. On that principle would wine be made an exception? There was no practical difficulty experienced in taxing spirits for each degree of alcoholic strength, and it was given in evidence before the Wine Committee, that there would be no difficulty in applying that same principle to wine. There was one part of the proposal of the Prime Minister to which he hoped he would adhere; that was the proposal to put wine in bottle into the highest class. Wine in bottle was, as a rule, wine of a higher quality; and as it was not practicable to apply an *ad valorem* principle to wine—although, if practicable, it would be just—this exportation of bottled wines, would in a rough but practical way, attain that object. The French themselves acted on this principle. Their internal duty on wine in bottle was eight times higher than on wine in cask. Even on the lowest strength the proposal of the Prime Minister was only four times higher, and he might mention that the Customs Returns showed the value of wine ex-

advocate of Free Trade. This ingenious theory of retaliatory duties was, in fact, only a disguise for their old friend Protection. Foreign Governments were not to be misled by threats of imposing such duties. For instance, let them take the case of the United States. If the United States could be got to modify their tariff on iron and other metals, it would be most advantageous to us. The only way in which we could work upon their fears was to threaten to impose a duty on grain and other provisions which came to us in such enormous quantities from America. That would be very acceptable to a large class of farmers, for they would be getting a certain amount of protection, and this would ultimately compel the United States to reduce their duties on iron. But would anyone seriously propose legislation to do that? If we took a single step of that kind, we would find ourselves in a commercial warfare with the whole of our customers all over the world, and we would have to retrace our steps with ignominy, or to arrive at the state of things which existed before the late Sir Robert Peel began to reform our tariff. He highly valued Commercial Treaties, if they could be secured without sacrificing principle on our part. He was satisfied of the great advantages of these Treaties with a country like France. But Commercial Treaties would be purchased at too high a price if we were to obtain them by falling back upon the system of commercial warfare. We might assume that we were a Free Trade nation, and that we were going on the principle of doing what we thought best in our own interest. But Commercial Treaties should be confined to those cases, such as France, where, having Wine Duties, it might be possible to obtain some practical results in the way of better commercial relations by reducing them. Anything further would be contrary to the principles of Free Trade, and would injure us. Some objection had been made by the late Chancellor of the Exchequer, at the beginning of the evening, in regard to a Supplemental Budget being introduced. But these objections could not be fairly applied to a case like this. Since the Budget of the late Chancellor of the Exchequer had been brought in we had had a General Election and a change of Ministry. The objections to a Supplemental Budget

Mr. Laing

were only applicable where there was a continuity of Ministry. It was a great slur upon a Chancellor of the Exchequer and a Government that, after bringing in a Budget, they had to take it back and present it afterwards, in an altered shape, to the House of Commons. But the case was totally different in the present instance. The Budget was brought in at an unusually early time in the year. A new Parliament had been elected, which had changed the position of Parties, and this change had been effected in the belief that the Party now in power would give the country a better financial administration than the former Government. The country would, therefore, have been greatly disappointed if, when the new Parliament had met, and a Session of sufficient duration for the purpose was before it, the right hon. Gentleman the present Chancellor of the Exchequer had shown any scruples about altering the financial propositions of the year, and had not given the country the benefit of his great financial experience in framing a new Budget. If they required special circumstances to justify it, they had them in the new position of the French Treaty, which, undoubtedly, did require some discretion to be given to the Government in treating with France, and in the distressed condition of the agricultural interest, which made it important that if any boon was to be held out to that interest, it should not be delayed for another year, but should be given at once. As to the scale of licences to be charged, it was quite true that was a question of detail for Committee, to a certain extent; but he thought there was a question of principle which it would be well if the right hon. Gentleman made clear before they went into Committee—namely, whether the increased scale was proposed entirely in relation to Revenue, or with relation to social regulation, by encouraging places where food and other articles of refreshment were sold, as well as spirits, as against those places which dealt in ardent spirits exclusively. He did not see why the amount charged for licences should stop where it did. The highest charge for licences was but a trifle to a large gin palace or hotel, and he thought the sliding scale should be carried up higher to meet those cases. For his own part, it was better that there should be no exemptions, because

it would be difficult to draw the line. The Government would have to consider what course they should adopt.

MR. MULHOLLAND thought, from the course of the debate, that whatever might be the abstract objections to a Commercial Treaty, both sides of the House recognized the practical benefits that had resulted from the French Treaty, and were equally determined to support the Government in its negotiations with France. The extension of trade in 1860, which had exceeded the expectations of everyone, justified the policy of Commercial Treaties, and the Treaty, being followed by others with the principal nations of Europe, had had a moral effect that was as conspicuous as its material results. With regard to the Wine Duties, taking them in connection with the negotiations now going on, the proposal of the Chancellor of the Exchequer was probably the best that could be devised, though it seemed to him to introduce modifications that were, at the present moment, unnecessary. Some of the considerable changes might have been deferred until negotiations with Spain and Portugal had been entered upon, and the Government need not have shown their readiness to give France greater advantages than were asked for. As things were, there was nothing in the total of the Wine Duties of which anyone could reasonably complain. In fact, it would be generally admitted that wine was taxed lightly, in proportion to its value, rather than heavily; but there was an inequality which could not be logically defended, and a certain amount of hardship also in the largeness of the class of wines above 26 degrees. As the House was aware, the principle on which the duty was fixed in 1860 was that all wines between 26 and 40 degrees of strength should pay the maximum duty. The result of the adoption of that system was that wines of a low strength, as compared with those of a high strength, paid an excessive duty. Two modes of getting rid of this inequality of the duty had been proposed—first, to divide the class from 26 to 40 degrees in the middle; and secondly, to sub-divide it into classes of every 5 degrees of strength. Those modes, however, were open to the same objection as the present system, though in a less degree—namely, that there would be under them always

an overcharge upon the wines of the lower strength in each class. He had, therefore, made a proposal in the Wine Committee of last year similar to that which the right hon. Gentleman now made, and it was a singular fact that every Member of the Committee who sat upon the opposite side of the House had then voted against that proposal. It was a satisfaction to him, and to those who thought with him, that a proposal which had emanated from their side of the House had been adopted by the right hon. Gentleman. The hon. Member for Oxford had revived a right of contract, which had engaged the attention of the Wine Committee last year; but he had omitted to mention that he (Mr. Mulholland) had succeeded in carrying an Amendment to his Report by nine votes to five—

“That the Committee are of opinion that the principle of the alcoholic scale should be maintained.”

This was in opposition to the proposal of the hon. Member, that wine should be taxed as a specific article, “Wine,” at a uniform duty. He need not remind the House of the large proportion of the Revenue which was derived from the taxes on alcoholic drinks; and, with respect to both malt liquor and spirits, the tax was in direct proportion to the strength. On that principle would wine be made an exception? There was no practical difficulty experienced in taxing spirits for each degree of alcoholic strength, and it was given in evidence before the Wine Committee, that there would be no difficulty in applying that same principle to wine. There was one part of the proposal of the Prime Minister to which he hoped he would adhere; that was the proposal to put wine in bottle into the highest class. Wine in bottle was, as a rule, wine of a higher quality; and as it was not practicable to apply an *ad valorem* principle to wine—although, if practicable, it would be just—this exportation of bottled wines, would in a rough but practical way, attain that object. The French themselves acted on this principle. Their internal duty on wine in bottle was eight times higher than on wine in cask. Even on the lowest strength the proposal of the Prime Minister was only four times higher, and he might mention that the Customs Returns showed the value of wine ex-

ported from France in bottle to be more than that, while the value of wine in wood was only just exactly the proportion proposed by the Prime Minister. The ordinary cheap wines would not be affected by this duty, as they were never shipped in bottle, the extra cost of freight and carriage on wine in bottle being more than they could afford.

MR. ALDERMAN W. LAWRENCE remarked, that in this measure the Government had enunciated both a foreign policy and a home policy—a foreign policy in that they sought to obtain power to reduce the Wine Duties, if they could acquire corresponding advantages for the trade and commerce of the country; and a home policy in that they proposed to confer a boon upon the agricultural interests by substituting a Beer Duty for the Malt Tax. It had been admitted that the agriculturists would derive great benefit from the transfer of the duty on malt to beer. It was quite clear that any increase in the Revenue must ultimately be paid by the consumer; and he was not sure that the change might not increase the price of beer. Beer, if pure and unadulterated, was a great advantage to the people, and it would be a great misfortune if the price of the national beverage was increased. As to the increase of the duty on the licences, he was strongly opposed to such a proposal, as it was a great hardship on a large number of inn-keepers, licensed victuallers, dining-room and refreshment-housekeepers; and would act unfairly, not only in London, but in many large towns in the country. Touching the licences, they had nothing to do with the principle of the Bill, and they might just as well be left out of it. The increase in the licences would be considered most unequal, most unfair, and unjust, and he saw no reason why the inn-keepers should be called upon to pay extra money when their trade was diminishing.

MR. GLADSTONE said, it was not wonderful that this discussion had very much assumed the character of a debate comprising many subjects which might be more conveniently considered in detail when the Bill was in Committee. If, unfortunately, he should omit to refer in his remarks to any question of that kind in which hon. Members felt an

Mr. Mulholland

interest, he should be glad to be reminded of it. In the meantime he would proceed to review the principal topics which had been mentioned. As regarded the Motion immediately before the House, he was not surprised that his hon. Friend the Member for Glasgow (Mr. Anderson) should have raised a question of this kind; but he was open to an answer from this point of view—that, whereas spirits had always been taxed as simply alcoholic drink according to the quantity of alcohol they contained, it was to a great extent deemed desirable not to encourage their consumption, but rather to bring it to what would be the minimum compatible with the collection of the Revenue. There was likewise a financial objection to his hon. Friend's proposal at the present time. His hon. Friend said—"Do not raise the money required to effect a change from the Malt Tax by taxing incomes, but raise it by taxing beer." Now, to get the necessary sum in that way within the present year, he must raise the tax on beer in order to provide for the next year's Service of the country to a very considerable extent, and there was not any reason to know at the present time whether the money would be required for the Service or not. It would be impossible for him now to ask the House to make an extensive change in the Beer Duty that would not only add to the price of the article, but would also enrich the Exchequer for the coming year, and all future years, to a very large extent, and without a knowledge on his part whether the money would be wanted or not. With regard to the Licence Duty, it would be quite open at a future stage of the Bill to consider whether there was anything exceptional in the mode of valuing licensing houses in Ireland which made it necessary to modify the proposals now submitted. It was not, however, a matter which he was called upon to attempt to develop on the second reading of the Bill, and at so late an hour. He could not agree with his hon. Friend behind him (Mr. Laing), who said this was not a Budget for Revenue. There was no doubt that a question of that kind could not be touched without raising several points of considerable difficulty in detail; but, among the general principles on which that part of the scheme rested, there was

should try to get rid of it as quickly as possible, and to have as little of it as they could. The point, however, was to have taxation so adjusted as not to interfere disproportionately with capital and industry. The reason they desired to have officers always present was that they thought that this would be far more to the interest of the brewer and of the trade; the liability to the obligation of making frequent returns would take the place of arbitrary restrictions as to the mode of conducting the business. The restrictions of the Malt Tax had been interferences with the trader in the building of premises, the stages of the processes themselves, the time he was to occupy in his different processes. For this interference it was proposed to substitute the obligation of making returns, and it was necessary that the officers should visit the premises for the purpose of inspection. In conclusion, he did not hesitate to say that the passing of that measure would not sensibly affect the course of trade in respect of the times and processes of brewing.

MR. MAC IVER said, he desired to point out that there were, at all events, two great authorities who were opposed to the course proposed to be adopted. He referred to Adam Smith and John Stuart Mill. He was not going to blame the Government for endeavouring to negotiate Commercial Treaties with France and Spain; but he thought they had got hold of the wrong end of the stick. This was no time for a reduction of the duties upon French and Spanish wines, but rather the contrary. Their proposal, described in whatever glowing language they pleased, bore a very strong resemblance to that particular form of reciprocity described by Lord Beaconsfield as a phantom. He would read to the House the opinion of John Stuart Mill upon the subject. In Book V., chapter 4, of Mill's *Principles of Political Economy*, they would find these words—

“A country cannot be expected to renounce the power of taxing foreigners unless foreigners will, in return, practise towards itself the same forbearance. The only mode in which any country can save itself from being a loser to the Revenue duties imposed by other countries on its commodities is to impose corresponding Revenue duties upon them.”

He (Mr. Mac Iver) admitted that in the early days of Free Trade some advantage accrued to this country; but the foreigner

had not then learned what he had since learned, that this was the only country in the world which was prepared unresistingly to acquiesce in one-sided arrangements that left all the good to others. That which was now so often called Free Trade, and which each political Party had done so much to give them, was not Free Trade in any true sense of the words. It was only a system of free importation. It was, in reality, a system of protection to the foreigner. We exempted him from that share of our taxation which he ought to pay, and which John Stuart Mill thought this country ought to levy; and by thus relinquishing our power of taxing foreigners, the deficiency fell upon our own manufacturing and agricultural industries at home. Was he not right in saying that this kind of thing—this boasted Free Trade of ours—was only an imposture? The manufactures of all the world came here duty free; but whenever we tried to send our manufactures in return, they were heavily taxed. Was that Free Trade? He (Mr. Mac Iver) did not think it was; or that, so far as France and Spain were concerned, we were much the better of our foreign importations. The things we got from France and Spain were chiefly the luxuries of the rich, and they were imported at the cost of the working men of this country, who, by reason of these importations, were denied the right to labour. In his opinion, we considered unduly the interests of the consumer; and it should be remembered that in this country the working population were the producers as well as consumers. Those who were consumers only were the comparatively rich members of the community; and hon. Members opposite, notwithstanding their protestations to the contrary, considered the interests of the rich alone. The world at large had made no practical advance towards Free Trade principles; and there could not be a franker acknowledgement of this than in the Treaties which the Government were now negotiating. The Cobden-Bright Treaty of 1860 was not Free Trade. It was only an arrangement by which this country undertook to abolish the whole of its duties upon French manufactures in consideration of France slightly reducing her duties on some of ours. What had been the result of their 20 years' experience of that Treaty? Instead of elevating France to the prin-

of re-casting the Wine Duties, the essence of which was that everything that could fairly be called wine, whether the lightest claret or the strongest port or sherry, should pay one equal duty. This plan contained a principle which was quite anomalous in our liquor legislation, which, at present, aimed at taxing liquors according to their alcoholic strength. The proposal, if acted upon, would, he believed, be a new source of commercial discord between this country and France, and would involve a heavy sacrifice of Revenue. The great objection to the Malt Tax seemed to be the inclusion of farmers' hands in reckoning the £20 which formed the standard of exemption. Well, this was a question quite open to consideration. But if a farmer employed a large number of labourers who did not reside in the farmhouse, it was not open to consideration that he should be granted exemption in respect of those labourers. He was quite prepared to consider the question of inclusion of the farmers' hands, because he admitted that there was much to be said on both sides of the question. The hon. and gallant Member for Suffolk (Colonel Barne) was under the impression that the duty as it stood was increased by 10 or 15 per cent. He (Mr. Gladstone) declined to subscribe to that statement; and he could not accept the figures of his hon. Friend the Member for Staffordshire (Mr. M. A. Bass), which showed a large increase in the duty. He admitted that some modification ought to be introduced into the figures he had originally mentioned; but he declined to admit anything like an increase of 15 per cent on the duty. There was another increase of Revenue which he could not venture to predict, but which he was sanguine enough to hope for, and that was an increase in the quantity of beer brewed, because he believed this liberation of the brewing trade as to the choice of its materials, although the trade did not recognize it as a benefit, would lead to great advantages in the conduct of the trade, to great economy in the conduct of the trade, and, consequently, to the cheapening of the article produced; and, if so, it was not at all improbable that this result might take effect, among other ways, in an increase in the quantity of beer brewed, and in the Revenue derived from that source, quite distinct from an augmentation on

the assumption that only the same quantity would be consumed. He had already stated that the Government were engaged in a careful examination of what might be the extreme claim which in justice the brewing trade could make, and he must remind the House of this. It was not to be supposed that the case of the brewing trade, as to the attitude it assumed on this occasion, was or could be, taking it all round, fundamentally different from that of all other trades that had been subjected to the effect of legislative changes. In the course of the last 40 years, having been conversant in almost every case with the great legislative changes that had taken place, he had never known any one of them in which the persons engaged in the trade distinguished themselves beyond the rest of the community in appreciating the ulterior results of the change. On the contrary, in a very large number of cases, the trades now among the most flourishing predicted total ruin in consequence of those changes. With regard to brewing by labourers and small farmers, if this were done off their own premises, they certainly would not come within the provisions of the new Bill; because, if the Government were to sanction the brewing off the premises, they would obviously get into difficulties, which they were determined to avoid, in respect of co-operative brewing, and they would find themselves rendering great injustice to the brewing trade. The two hon. Members who had spoken with great ability as members of the great brewing trade, had spoken of the restrictions, as they called them, under this Bill as being very harassing and inquisitorial, and as being more harassing and inquisitorial than those enforced by the law as it stood. The hon. Member for Staffordshire had said it was not particularly pleasant to have Excise officers on the premises. This might be true, though he was very glad that the hon. Member was able to give a just as well as a kind testimony towards the considerate manner in which the very intelligent officers of the Department discharged their duties. But whether or not it was pleasant was a question by itself. He did not maintain that it was pleasant. His doctrine was that the whole system of taxation was a very unpleasant one. He looked upon all taxation with great dislike, and they

Mr. Gladstone

At that late hour, he considered that he had said enough; when the proper time arrived he hoped to move the rejection of the Government Wine Duty proposals, as they were clearly not the way to deal with France and Spain. That kind of treatment had been tried before and had failed, and there was already abundant evidence to show that it would fail again. He begged to apologize to Mr. Speaker for having occupied the time of the House so long; but he thought that apology ought properly to come from hon. Gentlemen on the other side, because it was their fault for having so often interrupted him, and refused to listen to what he had to say. They had, however, been obliged to hear him, whether they liked it or not; and it was entirely due to them that his remarks had been so prolonged. He begged to move that that debate be now adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Mr. Mac Iver.*)

The Motion not being seconded, was not put.

MR. ANDERSON said, he begged to withdraw the Amendment to the Bill that appeared in his name on the Paper. He should put down the Amendment for the Committee on the Bill, and hoped then to press his proposed alteration of the Bill on the attention of the Committee.

Amendment, by leave, *withdrawn*.

MR. J. G. HUBBARD said, he had a Motion on the subject which would naturally have followed that discussion; but, on the present occasion, he should postpone it, and bring it again before the House in Committee.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Thursday next*.

MERCHANT SEAMEN (PAYMENT OF WAGES, &c.) BILL.

(*Mr. Ashley, Mr. Chamberlain.*)

[BILL 119.] COMMITTEE.

Order for Committee read.

Ordered, That it be an Instruction to the Committee that they have power to consider Clauses with reference to the conditions of service of seamen and the licensing of their lodging houses.—(*Mr. Evelyn Ashley.*)

Motion made, and Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

VISCOUNT SANDON, in moving the following clause:—

(Modification of Penalty for neglecting to join.)

"For neglecting or refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, a seaman or apprentice to the sea service shall be liable on summary conviction, instead of being liable to the penalty imposed by section two hundred and forty-three of 'The Merchant Shipping Act, 1854,' to a fine not exceeding an amount equal to four weeks' wages; and in the event of his failing to pay the fine, and in that event only, to imprisonment for a term not exceeding, in England and Ireland, the term limited by law on non-payment of a fine, and elsewhere, six weeks: provided that if the neglect or refusal tend immediately to endanger a ship or cargo or the life or limb of any person belonging to or on board a ship, the offender shall be guilty of a misdemeanour, and be punishable accordingly,"

said, that if the Government were not willing to accept that clause he should not press them to do so. He should, however, be sorry to allow the opportunity to pass of releasing seamen from some of the penalties to which they were liable if they neglected or refused to go to sea. He was aware of the intention to introduce a general Bill next year dealing with the question of discipline on board ship, and he was convinced that that was a most serious matter. Seamen, at present, if they refused to go into a ship or to go sea were liable to be imprisoned for 10 weeks. The proposed clause he had drawn up during the time he was President of the Board of Trade, after having conferred with a number of leading shipowners on the subject. They had all agreed with him that it would be desirable to introduce such a clause by which seamen would be placed in the same position as landmen as far as possible with regard to breach of contract. If he neglected to go to sea after that clause had been passed, he would only be liable in the first instance for breach of contract. On a subsequent occasion he would be liable to a fine; and if that fine were not paid, to a month's imprisonment. So that imprisonment would only take place in case of non-payment of the fine. He was aware that a great many changes were desirable in the rules of discipline on board

ciples of Free Trade, it had only taught her that this country was a very bad hand at making a bargain. They had not hitherto brought about Free Trade by their Commercial Treaties—arrangements by which, in obedience to the *doctrinaire* teaching of the Cobden Club, we gave up nearly everything we possessed, getting next to nothing in return—and they were not likely to do so by the present proposals of the Government. But they had encouraged France in the belief that she had only got to press us a little further and we would give up the Wine Duties too, and patiently submit to the Sugar Bounty system, as well as to the *surtaxe d'entrepôt*, and to any other injustice which she liked to perpetrate upon British commerce and British shipping. The proposals of the Government in regard to Spanish wines were of a similar character, and nothing less than an invitation to the Spaniards to drive a hard bargain with us. He well remembered the hopes excited by the Cobden-Bright Treaty of 1860. His experience as a carrier, which, with all respect to hon. Members opposite, was worth something, was that our trade with France had been, and was now, a trade principally of raw materials for French industries; but that what we brought from France was the finished products of valuable labour. He would ask whether such importations from France did not destroy our industries at home, and was not a very serious question for the British working man? Loaf sugar they now got, it was true, a farthing a pound cheaper than might otherwise be the case. But this was a wholly inappreciable benefit to the consumer, obtained at the expense of our own refiners, to the great disadvantage of our West Indian possessions, and to the injury of British shipowners. And yet that was what some people call Free Trade! He preferred very much the doctrines of Adam Smith and John Stuart Mill. So long as France taxed our manufactures, we ought certainly to tax hers. The Wine Duties were about all we now had to bargain with, and in themselves they were clearly insufficient to purchase those concessions which we had a right to get; but he (Mr. Mac Iver) saw no reason why some of our former duties should not be replaced. We could then bring some pressure to bear. The House would remember that he had

Mr. Mac Iver

several times asked the Government in regard to their prospective arrangements with France. The hon. Baronet the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke), with the politeness which always distinguished him, had replied to his questions, but in a manner which conveyed no information. He (Mr. Mac Iver) wanted to know if the Government meant to insist upon those concessions which we had a right to get, and would take measures to obtain them? He wanted to know, specifically, if the Sugar Bounty system was going to be given up? Did France mean to reduce her duties upon British manufactures? Was she going to abolish the *surtaxe d'entrepôt*, and let foreign produce bought and sold in the Liverpool Exchange enter France upon terms as favourable as if imported direct? He had also asked the Government in regard to their negotiations with Spain; and, again, the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke), with the most perfect courtesy, gave a reply which answered nothing. It was quite a mistake to suppose that our unsatisfactory commercial relations with Spain were a mere Wine Duty dispute. Long before this Wine Duty business Spain had harassed British trade; and, unless she was now going to do something to put matters on a better footing, we ought rather to think of doubling the Wine Duties than of reducing them. Spain was only trying to squeeze us because we had been found willing victims; and if we conceded the Wine Duties, we were only inviting her to press for something more. He would best describe the general condition of our trade with Spain by quoting from a letter which he had just received on the subject. Its words were—

“The Spanish tariff is a very big affair, the rates being different for nearly every article mentioned therein. Your hat, for instance, being one thing, your coat another, your boots another, and shirt another. This I found was really the fact, for on calling at the Consuls, they handed me a book, which, being in Spanish, I did not understand; but they explained that on glass, for instance, the duty is reckoned at so many pesatos (10*d.*) per 100 kilos; and there are as many different rates as there are qualities of glass. The rate is equally the same whether the goods come in a Spanish or a British ship; but although there are no differential rates in this sense, it is nevertheless quite true that a tax is levied upon British-owned steamers trading with Spanish ports.”

there ought to be a mitigation of the present law, with regard to summary arrest, in cases where seamen failed to fulfil their contracts. He was convinced that was a subject of the utmost importance, and the noble Lord had proposed to mitigate that law by substituting a fine in the first instance in lieu thereof. That was a step in the right direction, and he could not understand why the Government refused to agree to the proposal. Representing as he did, a large seaport, he ventured to assert that a large number of seamen understood the position they were in quite as well as anyone in that House. The proposal of the noble Lord was likely to prove a beneficial one, and he should support it. Notwithstanding the ejaculations of hon. Members below the Gangway, he should support the adjournment of the debate in order that they might have time for proper consideration of the clause.

MR. CHAMBERLAIN said, he hoped that the hon. and learned Gentleman (Mr. Gorst) would withdraw his Motion, and that the Committee might be permitted to get through the present stage of the Bill. He did not think that the reasons the hon. and learned Member gave were convincing to the Committee. He told them that seamen, of whom he made himself, in reference to that Bill, the champion, could get nothing more than promises in regard to that matter. He (Mr. Chamberlain) was sorry to find that he had so bad an opinion of the way in which his clients were treated by the present Government's Predecessors. [Mr. Gorst said, he stated they had been fed upon promises.] He understood the hon. and learned Member to say that, considering the number of promises, it was surprising that nothing had been done; he would not dispute with him, but merely undertake to say that the present Government should do something more than that. Next Session that subject would be thoroughly considered, and the Bill would then be much more comprehensive than the present one. It had already been stated that on the Report of the Bill a proposal would be made, by which the question now under discussion would be attempted to be settled; and he must say that if that proposal met with the amount of support from the hon. and learned Gentleman that he usually gave to all proposals for the advantage of seamen,

then it would be impossible, in the present broken Session, to proceed any further with the Bill. He must say he thought it curious that delays of that sort invariably came from those who pretended to be in favour of the class the Bill would affect. The hon. and learned Gentleman (Mr. Gorst) said, it was desirable that time should be given in order that the proposed new clause might be left upon the Paper, and left there a sufficient time to get into the hands of Members and be fully considered before they asked the House to take the next step. For his own part, he considered that was just the way in which seamen would be fed upon promises and get nothing beyond. His hon. Friend the Member for Kingston-upon-Hull (Mr. Norwood) had said that he should give his hearty support to the proposal of the noble Lord. He begged to say that, in his humble judgment, that proposal did not meet the difficulty at all, and it was on that ground that he was unable to accept it. What was, in fact, the complaint of the seamen? Why, undoubtedly, the anomalous position they were placed in with regard to their contracts. In case of breach of contract a landsman was liable to an action only, and not to criminal proceedings; whereas a sailor was liable to those proceedings, and might be in gaol many weeks in consequence. The noble Lord, by his proposal, still left the seaman subject to those criminal proceedings, and added a fine which, in all ordinary circumstances, he believed, the seaman would be unable to pay. What was likely to happen if the course proposed to be taken was followed? It was well known that certain magistrates, who had acted in a manner which seemed harsh, had sent to gaol seamen who refused to go to sea in ships which they deemed unseaworthy, and some of which ships afterwards went to the bottom. The fact of the ships having been lost, showed, at any rate, that the men who were imprisoned had good *prima facie* grounds for the belief which led them to refuse to go to sea and resulted in their imprisonment. If the proposal of the noble Lord were adopted the fine upon seamen would be very heavy; and as seamen were, as a general rule, a very impecunious class of men, the result would in a majority of cases be imprisonment, for the reason that the

ship; but, although the matter was a comprehensive one and ought to be dealt with, perhaps, comprehensively, he thought there could be no harm in doing justice to the seaman thus far at once, and so prevent him being imprisoned for a long period for simply refusing to go to sea. He knew the difficulties the Board of Trade had in that matter; but he thought they could acquiesce in the proposition he had made. He would not press it on the Government, however, provided he obtained a pledge from them to deal with the subject; but he begged them to consider whether it was not a reasonable compromise in the matter, having been adopted by some of the best shipowners as a solution of the question.

Question proposed, "That the Clause stand part of the Bill."—(*Viscount Sandon.*)

MR. EVELYN ASHLEY said, he fully agreed with the noble Lord opposite (*Viscount Sandon*), that the question of the punishment of seamen for refusing to go to sea was a most serious one; but, at the same time, he ventured to doubt whether the proposed clause could be accepted, inasmuch as it hardly dealt with the question. The real grievance of the seaman was that he was liable to arrest without warrant, and it was in that respect particularly that he was in a totally different position from other working men. The proposed clause would not relieve him from that at all. All it would do was to modify the law with regard to the penalty to be inflicted for refusing to serve. It was not, he thought, impossible to deal comprehensively with that question so as really to relieve seamen from that exceptional condition. He thought that if the noble Lord would communicate with his hon. Friend the President of the Board of Trade (*Mr. Chamberlain*) between that time and the Report on the Bill, they might be able to propose a clause that would, perhaps, deal effectively with that question. Even if the clause were adopted it would give but temporary relief, as the Government intended to bring in a Bill to deal with the whole question next Session.

MR. GORST said, he did not like the idea of the Bill passing through the Committee stage before they had had an opportunity of seeing and discussing

the clause proposed. Both the Predecessors of the Government and the Government itself had promised to deal with this matter, and he would suggest that they should report Progress—[*Cries of "Oh, oh!"*—]—in order that the clause which the Government were considering might be put upon the Paper and considered in Committee. He observed that hon. Members opposite cried out "Oh, oh!" Their idea of legislation was, apparently, to drive the Bill through as fast as they could. The Board of Trade seemed disposed to hurry it through without consideration or reflection; and, for his part, he begged to say that those Members who really had the interests of seamen and shipowners at heart, were not willing to allow that rash kind of legislation to proceed. He would inform hon. Members below the Gangway, who were, perhaps, fresh to the labours of the House, that when a Government announced an intention to propose a new clause, it was not at all an unusual practice for the Committee to report Progress, in order that that clause might be placed upon the Paper and be properly considered before the Bill passed through Committee. He should move that the Committee report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Gorst.*)

MR. NORWOOD said, he should support the Motion which had just been made. He was of opinion that many hon. Members were entirely unacquainted with Parliamentary usages and the forms of the House, and they should exhibit more tolerance in the discussion of measures. Not long ago he had heard loud cries raised when an hon. Member had endeavoured to address the House. When those hon. Gentlemen who raised those cries had a longer experience, they would find that it was convenient to listen to all sides of a question. He knew that to men uninitiated in the doctrines of the House that was not altogether palatable. He thought it would be well if hon. Gentlemen would exercise a little more discretion, and not be quite so hasty in preventing measures being discussed. He ventured to support the proposal of the noble Viscount the Member for Liverpool (*Lord Sandon*). He thought

Viscount Sandon

which might cause them to be mulcted in damages. The proposal which was now made was, in his view, one which should be made in Committee when it could be fully discussed, and should not be deferred until the stage of Report when no hon. Member could speak more than once as to the details of the proposal. The difficulty of considering a new clause in a Bill on the Report of Amendments was extreme, and the difficulty was largely increased when, as on the present occasion, the new clause was more important than any part of the original Bill. The House was in progress with the Bill; and the right hon. Gentleman the President of the Board of Trade could lose but little, if any, time by acceding to the manifest justice of the case and consenting to Progress being reported, in order that further time could be given for consideration of the measure.

MR. EVELYN ASHLEY said, Her Majesty's Government could not accept the clause, because they did not think it would have the effect of ameliorating the condition of the seaman, and so settling the question which was before the Committee, and which, undoubtedly, called for settlement. The matter must be dealt with next year, and Her Majesty's Government were anxious to bring about a satisfactory settlement. If possible, a proposal would be made on the Report of the Bill, which would have the effect of putting an end at once to the difficulties that had been raised; and he hoped that the Government would have afforded to them such an opportunity as they desired, their wish being to produce a satisfactory settlement of the question.

VISCOUNT SANDON said, his clause did not touch the question of arrest with warrant. This was a matter of the utmost importance, and one requiring very grave consideration. Two Sessions ago it was considered by a Select Committee of this House for many weeks, and if any hon. Member read the evidence given he would see that it went against the change proposed. The result of the inquiry to which he referred was that the question remained quiet for some time, until it was re-opened by the hon. Member for Morpeth. As far as he had been able to form an opinion on the question in its present phase, he thought it was of too grave a nature to be dealt with on the

Report, and should, therefore, support the Motion to report Progress. As representing a large shipping community, he could say, without fear of opposition or doubt, that his constituency would be much surprised if a question of this importance was to be dealt with at the present stage. As far as his Amendment was concerned, it did not deal or attempt to deal with the large question which had been raised by the right hon. Gentleman the President of the Board of Trade, but simply proposed to subject offending seamen to a fine instead of imprisonment in case they committed a breach of contract.

MR. CHAMBERLAIN said, he was afraid the noble Lord did not quite understand the question as it was stated at the commencement of the debate. He was quite prepared to admit that the clause which had been proposed dealt with a very important and complicated question, and was one which might require very careful consideration and discussion; but the Government were quite prepared to pledge themselves that, if the clause was not pretty generally accepted as a settlement of the matter, they would abandon all hope of dealing with it in the present Session. He hoped, however, that the proposal would meet the approval of the Committee for the reason that, as far as he could judge, the House was almost unanimous in its favour.

MR. NORWOOD said, the question was one of very great importance, and ought to be discussed in a manner which it deserved. The proposal made by Her Majesty's Government affected the whole shipping interest of the country, as it dealt with the owners of ships as well as with the seamen, and he could not admit that a proposition of the kind could be adequately discussed on the Motion for the Report of the Bill. The matter was one which ought to be dealt with in Committee, where it could be fully discussed, and he therefore hoped it would not be pressed by Her Majesty's Government at the present juncture. The noble Viscount (Viscount Sandon) was anxious to ameliorate the law, as far as the seamen were concerned, by substituting a fine for imprisonment; and he could not help thinking that the proposal was one which not only ought to be very carefully considered by Her Majesty's Government, but ought to be

men could not pay the fines. It was urged that the imprisonment would be for non-payment of the fines imposed, and not for breach of contract. But this was not exactly a statement of the case which could be generally accepted as an adequate mode of dealing with the grievances which the seamen alleged to exist; and when the question came to be dealt with in a more complete manner next Session, it would be necessary to repeal the clause which was proposed by the noble Lord if it now became law.

VISCOUNT SANDON protested against the suggestion that this was entirely a seaman's question; he thought it was extremely undesirable that the House should hastily pass a judgment upon questions affecting seamen, which, though they occupied a large amount of time in the last Parliament, had not been satisfactorily settled up to the present time. The able, good, and steady seaman, was, perhaps, more interested than any other person in seeing that the crew of a ship was well constituted before he went to sea in her, and, therefore, it was important for every shipowner to pick his crews with the utmost care. It was also of the utmost importance that the shipowners should be careful to get their crews on board in good time before the fixed time for the sailing of the ship, as otherwise there was a probability that a number of worthless substitutes would ship instead of the competent men who had been engaged, and the competent men left would naturally object to go to sea with incompetent and unworthy shipmates, whose presence would be disagreeable to themselves and perilous to the safety of the ships and to the interests of the owners. He must, therefore, demur to the statement of the right hon. Gentleman the President of the Board of Trade, that, in supporting the views of those who desired to change the existing law, he was acting only in the interests of the seamen, because the true interests of the seamen were only to be provided for by taking such steps as would secure the shipping of sailors possessing the highest character as well as the best technical ability. The whole question was one of the greatest difficulty and delicacy, and he hoped it would be handled with the utmost care by the right hon. Gentleman the President of

Mr. Chamberlain

the Board of Trade, in view not only of the interest of the seamen but of the shipowners. The more closely the right hon. Gentleman looked into the question, the more clearly would he see the importance of dealing with it in a cautious manner.

MR. BENTINCK hoped the Committee would not adopt the suggestion of the right hon. Gentleman the President of the Board of Trade. He would not attempt to discuss the question of who was or was not the sailor's friend, his view being that the only matter for present consideration was as to whether the time was opportune for discussing the question before the Committee. In his view the time was not opportune, and he therefore hoped Progress would be reported, in order that further opportunity might be afforded to Members to consider the details of the question which had been raised before pronouncing an opinion upon it.

MR. GÖRST said, he had been astonished by the appeal of the President of the Board of Trade, because he could not understand the grounds on which Her Majesty's Government asked the House to postpone till the Report the consideration of a new clause, which was more important in principle than any other part of the measure. He could not too strongly deprecate the fashion which seemed to be growing with Her Majesty's Government, of first introducing a Bill and then making Amendments affecting its vital principle at the last moment. He now asked for delay, because he thought it important that the new clause should be printed, and in the hands of Members, before the House was asked to determine upon it.

MR. COURTNEY hoped the right hon. Gentleman the President of the Board of Trade would accede to the appeal for delay which had been made to him. The question involved was one of grave importance, and was not likely to be solved by bandying sarcasms as to who were and were not the friends of the seaman. The question was as to how sailors who did not fulfil their contracts were to be dealt with; and he felt sure that no satisfactory solution of it would be arrived at which did not deal with seamen as ordinary workmen who entered into contracts with their employers, and, if they broke such contracts, rendered themselves liable to civil action,

which might cause them to be mulcted in damages. The proposal which was now made was, in his view, one which should be made in Committee when it could be fully discussed, and should not be deferred until the stage of Report when no hon. Member could speak more than once as to the details of the proposal. The difficulty of considering a new clause in a Bill on the Report of Amendments was extreme, and the difficulty was largely increased when, as on the present occasion, the new clause was more important than any part of the original Bill. The House was in progress with the Bill; and the right hon. Gentleman the President of the Board of Trade could lose but little, if any, time by acceding to the manifest justice of the case and consenting to Progress being reported, in order that further time could be given for consideration of the measure.

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Report, and should, therefore, support the Motion to report Progress. As representing a large shipping community, he could say, without fear of opposition or doubt, that his constituency would be much surprised if a question of this importance was to be dealt with at the present stage. As far as his Amendment was concerned, it did not deal or attempt to deal with the large question which had been raised by the right hon. Gentleman the President of the Board of Trade, but simply proposed to subject offending seamen to a fine instead of imprisonment in case they committed a breach of contract.

MR. CHAMBERLAIN said, he was afraid the noble Lord did not quite understand the question as it was stated at the commencement of the debate. He was quite prepared to admit that the clause which had been proposed dealt with a very important and complicated question, and was one which might require very careful consideration and discussion; but the Government were quite prepared to pledge themselves that, if the clause was not pretty generally accepted as a settlement of the matter, they would abandon all hope of dealing with it in the present Session. He hoped, however, that the proposal would meet the approval of the Committee for the reason that, as far as he could judge, the House was almost unanimous in its favour.

MR. NORWOOD said, the question was one of very great importance, and ought to be discussed in a manner which it deserved. The proposal made by Her Majesty's Government affected the whole shipping interest of the country, as it dealt with the owners of ships as well as with the seamen, and he could not admit that a proposition of the kind could be adequately discussed on the Motion for the Report of the Bill. The matter was one which ought to be dealt with in Committee, where it could be fully discussed, and he therefore hoped it would not be pressed by Her Majesty's Government at the present juncture. The noble Viscount (Viscount Sandon) was anxious to ameliorate the law, as far as the seamen were concerned, by substituting a fine for imprisonment; and he could not help thinking that the proposal was one which not only ought to be very carefully considered by Her Majesty's Government, but ought to be

thoroughly discussed by the House. He further thought that such discussion was scarcely possible, unless the proposal was allowed to pass through the Committee stage, when hon. Members could, if they thought it necessary, speak more than once, and so thoroughly sift the details of the question.

MR. R. H. PAGET thought the Motion to report Progress was a thoroughly reasonable one. They were told that the question was one of the highest importance, and one requiring much and careful consideration; and every hon. Member who had experience of Parliamentary proceedings knew that such consideration could not be given to a proposition which was made for the first time on Report of a Bill. The clause which had been vaguely sketched out by the Government was, in fact, the key-note of the Bill, and thus the most important clause in the Bill was not even printed. As far as he knew, there was no precedent for discussing a clause, involving a new principle, on Report, and he thought the Government ought not to use its majority for the purpose of compelling the House to take so unprecedented a course. He hoped they would assent to the reasonable proposition that Progress should be reported, in order that the Government might bring up their proposed clause, and that it might be properly considered in Committee.

MR. STEVENSON said, that, as the representative of an important seaport, he earnestly supported the proposal that had been made to report Progress, because he thought the new clause was one that ought to be discussed in Committee, and not on the consideration of Amendments which had already been made.

VISCOUNT SANDON said, the Committee were hardly aware of the state of the case. The Bill was one in which he had personally a very great interest, for he drew every clause which it contained, and the Bill was, in fact, his own measure with a different name. He had the greatest possible interest in the passing of the Bill, and was not likely, therefore, to take any step which could have the effect of impeding its progress. He hoped it would be possible for him to support the clause which had been introduced by the Government; but he could not say what his course would be until he had had further time and opportunity for considering it.

Mr. Norwood

He protested against the course which had been taken in introducing the clause on the Report, for he saw no earthly reason why it should not have been introduced a month ago. It was of the greatest importance that the general understanding which had been long in existence should be adhered to, and that new principles should not be introduced into a Bill on Report which could have been introduced when the Bill was in Committee and there was ample opportunity for its discussion.

MR. CHAMBERLAIN said, that when the Bill was last before the House he gave full credit to the noble Lord who had just spoken for its authorship, and hoped that, with certain modifications, it would be accepted by Parliament; but the noble Lord now asked why the alternative clause was not introduced earlier? All he could say was that, having only recently acceded to Office, and finding so many loose threads of legislation to take up, he had found it impossible, until within the last few days, to come to any satisfactory conclusion as to the best mode of dealing with this question. While he held that the clause which he had proposed would materially improve the Bill, he thought that, as there seemed to be a general desire for further time to consider the matter, he should not oppose the proposal to report Progress. But, under the circumstances, he must withdraw the pledge which he had been willing to give if hon. Members opposite had allowed the Committee stage to be taken and not to press the new clause on Report, if there were any serious objection. The new clause would now be discussed fully in Committee, and the Government would urge its adoption in the House.

Question put, and *agreed to*.

Committee report Progress; to sit again upon *Thursday* next.

RELIEF OF DISTRESS (IRELAND) BILL.

(*Mr. Parnell, Mr. O'Kelly.*)

[BILL 244.] SECOND READING.

Order for Second Reading read.

MR. PARNELL, in moving that the Bill be now read a second time, said, he hoped the House would allow him to take that stage of it on the present occasion. He should not have moved the second reading at so late an hour, but

for the pressing emergency of the case, and because if he now neglected the opportunity of not obtaining the opinion of the House concerning the measure such an opportunity would not again arise owing to the difficulty which private Members found in obtaining consideration for their Bills. The provisions of his Bill were of a very simple character. In the first place, he proposed to appoint a Commission which should be charged with the relief of distress in Ireland, the Commission to consist of the Chairman and two honorary Secretaries of the principal organization which had been engaged in distributing the sums subscribed in relief of distress in Ireland during the past half year. The Commission would have the usual power of appointing a Chairman; and he proposed that there should be set aside for the purposes of relief of distress in Ireland £200,000 of the Surplus Funds of the Irish Church, which should be used as the Commissioners might think fit in relief of distress in Ireland. It was, of course, dangerous—to use the saying of President Lincoln—to swap horses when crossing a stream; but this seemed to be the process which was being pursued by the Chief Secretary to the Lord Lieutenant of Ireland in reference to this question of relieving distress in Ireland. For six months the Relief Committees had afforded assistance to the distressed districts with but little assistance from the Poor Law Boards or the relief works. The subscriptions which these bodies had collected and distributed had now, however, almost come to an end; and they were face to face with the position that during the next month or six weeks some 500,000 people, who had been fed through the agency of the Committees to which he had referred, would have no one to look to for their daily bread. The right hon. Gentleman the Chief Secretary to the Lord Lieutenant said he relied upon out-door relief as a means of meeting the difficulty; but this system of relief was dependent upon the Boards of Guardians, which in Ireland had never been employed for this purpose. He was of opinion that he spoke the sentiments of those best able to judge when he said that he viewed with the utmost apprehension the result of trying such an experiment as was suggested by the right hon. Gentleman, who had informed

the House that in consequence of certain Boards of Guardians having failed to do their work he had decided upon dissolving them and appointing officials to do their work. This was all very well; but he doubted whether such officials would be able to cope with the existing distress. The Chief Secretary had, of course, the utmost desire to do all that was possible; but it was to be feared that the right hon. Gentleman did not know to the full the nature of the difficulties which were before him, and the magnitude of the crisis which was impending. It would be difficult to retrace any steps that might be taken after the mischief had happened and the people had died in large numbers of the famine fever which had broken out in many districts of the country. In these circumstances, he hoped that the House would accept the proposal which was embodied in his Bill, and would enable the Relief Committees which had, up to the present time, done so much good, to continue their work with the assistance of a grant of public money until the present crisis had been passed, and happily, with the blessing of a good harvest, the existing distress had been tided over. The system of out-door relief in Ireland was not managed in the same way as it was in England. It was in Ireland looked on by every Poor Law Guardian with the utmost repugnance and aversion as a plan opposed to all their most cherished convictions, and one which, in the present instance, would necessitate the borrowing of money that would have to be repaid by ratepayers, farmers, and others, who were reduced to great straits by the same circumstances which caused the poorer classes to be very poor indeed. He was afraid that the Chief Secretary would recognize the dislike to the system of out-door relief too late either to save his reputation as a Minister, or to save the lives of many of the Irish people. He believed that his proposal would prevent much suffering and save many lives within the next six or seven weeks; and he therefore asked the House to read it a second time, promising that when the Committee stage was reached he would carefully consider any proposal that might be made for its amendment. The hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Parnell.*)

MAJOR O'BEIRNE protested against any proposal which would put the Irish Land League—a Communistic association—in the possession of public money.

MR. PARNELL said, he had no desire to do anything other than to relieve Irish distress; and if it was objected that the Land League should not be intrusted with part of the work of distribution, he should be perfectly willing to omit it from the Bill.

MAJOR O'BEIRNE said, the Land League had been largely engaged in promoting electoral contests in various parts of Ireland, and the speeches made by its Members, especially in Leitrim—

MR. FINIGAN rose to Order. As one of the Members of the Land League, he denied the truth of the statement made by the hon. and gallant Member for Leitrim (Major O'Beirne), that the Land League was a Communistic association.

MR. SPEAKER: The hon. Member who has risen to Order is himself out of Order in his interruption to the observation of the hon. and gallant Member for Leitrim (Major O'Beirne).

MR. W. E. FORSTER said, he would not enter into a discussion as to the Land League, for the reason that the present was not exactly the occasion on which he should be expected to give an opinion on the subject. He would only say that, in his view, the hon. Member for the City of Cork did wisely in offering to withdraw the League from the bodies mentioned in the Bill as those to be charged with the distribution of the sum to be granted. The question raised by the Bill was a very serious one; but he could not, on behalf of the Government, accept the Bill of the hon. Member for the City of Cork as a solution of the difficulty. Personally the Bill, if passed, would be a very great relief, for it would take off his shoulders a great deal of responsibility, and it would also tend considerably to lighten the responsibility of the Local Government Board; but he did not think this ought to be done. The Poor Law Board was now at work dealing with this matter; and he saw no reason for interfering with their work, especially as the granting of public money in the way suggested by the hon.

Member for Cork was altogether without precedent. There could be no doubt that in some districts the distress was very great; but in the West of Ireland it had been generally checked, and the Poor Law had been found sufficient for the purpose. It was true that a necessity had arisen for dissolving certain Boards of Guardians; but the Executive Government had put in their places other Guardians who, as he had reason to believe, were doing their duty and distributing considerable sums in the payment of out-door relief. As far as the fever was concerned, it arose during the continuance of the work of the Relief Committees, and could not, therefore, be said to have resulted from a discontinuance of the charitable relief. Furthermore, he had been unable to discover that the fever was famine fever. The last accounts he had received were more favourable; and he did not think the fever would be found to be more serious than any epidemic which might have occurred at any time and in any circumstances. He could not, therefore, admit the necessity for passing this unprecedented piece of legislation. He thought the House must rely upon the Poor Law Board to do the work, and upon the Irish Executive Government to keep that body up to its work, which, as a general rule, they were doing very satisfactorily at the present moment. There were certainly one or two Unions in a disorganized condition; but this was mainly due to the fact that they were heavily in debt before the difficulty came upon the country, and it had been found necessary to make loans to them. He did not oppose the Bill because he had no desire to see the distress put an end to, but because he thought it was the duty of the Local Government Board and the Board of Guardians to do what was necessary, in the way of out-door relief, to meet the difficulty.

MR. MELDON said, the main ground of objection which the Chief Secretary for Ireland had urged against the Bill was that he did not see why the local authorities in Ireland should be relieved of their responsibility to provide relief for the distress which was known to exist; but he (Mr. Meldon) had been unable to find anything in the Bill which would have that effect. All that the Bill would do would be to enable the Committees, which had done their

work so well up to the present time, to continue that work for some six or seven weeks longer. It was true that in 1847 Parliament did not make any grant for the relief of the distress; but the circumstances were different, and he hoped that, on the present occasion, the small sum which was asked for by the Bill of his hon. Friend the Member for Cork would be granted, and that thereby many lives would be saved in different parts of Ireland.

MR. A. M. SULLIVAN said, there could be no doubt that the proposal contained in this Bill was very singular, and one likely to strike the minds of English Gentlemen as not proper to be encouraged by the Legislature; but in his view the measure was justified by the extreme urgency of the case. The Parliament had not relied upon the ordinary processes of law to maintain the peace in Ireland; and he asked it now, in a moment of dire necessity, to depart from the ordinary modes of affording relief in order to preserve the lives of a large number of the Irish people. In former periods of distress in Ireland, whatever was done by the Government of the day came too late by several months, and all their efforts were outstripped by voluntary organizations, prominent among which were those of the Society of Friends, which did more to save life in Ireland than was done by the Government. The hon. Member for Cork now asked the Government to do temporarily, and on a small scale, what they ought to have done on former occasions, for no one could contend that by the administration of out-door relief in Ireland was the present emergency to be met. In some of the Unions the tenants, and even the Guardians of the poor themselves, owing to failure of their crops, were in positions of difficulty, and had, therefore, a great repugnance to taxation. He protested strongly against the exhibition which had been made on the opposite side by the hon. and gallant Member for Leitrim (Major O'Beirne), who had objected to any part of the sum mentioned in the Bill being distributed by the Land League, simply because he had been compelled to spend a few beggarly pounds in obtaining, or retaining, his seat.

MR. BIGGAR said, Her Majesty's Government were perfectly willing to plunder the Irish Church Fund in the

interest of the landlords in that country; but they would not give a single shilling of it to save the poor from starvation and death. He appealed to the Government to change their resolution in reference to this matter, and give a second reading to the Bill of his hon. Friend the Member for Cork (Mr. Parnell). He also wished to tell the hon. and gallant Member for Leitrim (Major O'Beirne) that the Land League spent no money at all in the contest which he had for his seat.

MR. MACARTNEY supported the Motion for the second reading of the Bill, on the ground of the exceptional state of things which existed in Ireland at the present moment. There was a great disinclination on the part of the Poor Law Guardians to do what they ought from fear of increasing the rates, which would have to be paid by people who were themselves in a condition of comparative distress. When the Irish Church was disestablished, the present Prime Minister said the best use that could be made of the funds would be to apply them to the relief of unavoidable distress in Ireland. An opportunity of so applying some part of the money was afforded by the present Bill; and he begged the Government to see that lives should not be sacrificed even though some part of the money asked to be given might be wasted by getting into the hands of unworthy persons.

SIR PATRICK O'BRIEN said, he hoped the Government would not disregard the wishes of the Irish people in reference to this matter as they seemed disposed to do. The highest possible encomiums had been passed upon the action of the Committees which, in Dublin, had administered the funds provided for the relief of the distressed people; but when it was asked that the Government would enable those Committees to continue their work for an exceptionally short time objections were raised at once. The Irish people were, by this Bill, simply asking for some of their own money, in order that the supplies of food might not be suddenly stopped in districts where the most grievous necessity existed; and even if the demand was not founded on the strict doctrines of political economy it had a perfect justification in the exceptional circumstances which had arisen.

Motion made, and Question proposed,
 "That the Debate be now adjourned."
 —(*Mr. Morgan Lloyd.*)

MR. O'CONNOR POWER said, he was very sorry that the Chief Secretary to the Lord Lieutenant had not been able to see his way to assenting to the second reading of this Bill, for he could not but regard it as unfortunate that the right hon. Gentleman had opposed every proposal for the relief of Irish distress which had come from the Party to which he (Mr. O'Connor Power) belonged. As, however, he understood that the Motion for the adjournment of the debate had the assent of the Government, he was willing to take the fact as an indication that the Government were not unwilling to re-consider the announcement which had been made by the right hon. Gentleman. If this was so, he hoped a decision would be reached as speedily as possible, for time was short and precious in reference to a matter of this urgency. He hoped that the Irish Executive would be able to see their way to consulting the Irish Members, irrespective of Party, on broad questions affecting the interests of the country, as was in former times done in the case of the Scotch Representatives, in order, if possible, that a harmonious course of action should be taken in preference to a hard and fast line which might have been suggested and almost decided upon. He hoped that the right hon. Gentleman the Chief Secretary for Ireland, before attempting to deal in the short time which still remained of the present Session, would think fit to summon an informal meeting of the Irish Members of the House in order to ascertain their views as to the measures most likely to meet the wants and necessities of the country.

MR. W. E. FORSTER said, it was clear that nothing could be easier than to take money from the Surplus Fund of the Irish Church for the purpose of relieving distress, as was proposed by the Bill of the hon. Member for Cork City. But he could not help thinking that it would be dangerous to relieve the local authorities in Ireland from responsibility in reference to the maintenance of the poor, and so to release property in that country from bearing its due proportion of the burdens which should be borne by it. If he did not think the

Poor Law Board could contend successfully with the difficulty, he should be inclined to accept the present Bill; but as he believed, after careful consideration of all the facts, that the Board was quite equal to the task, he could not, as at present advised, accept the proposals of the Bill, which would, he thought, set a dangerous precedent.

MR. BYRNE said, he should be inclined to agree with the right hon. Gentleman in reference to the question of Poor Law relief, if such relief was administered, as in England, as out-door relief, to all who were destitute, and without reference to the cause of such destitution, and whether it was or was not in a Scheduled Union, and that it would not be necessary for families to go into the workhouse and be separated from each other. He did not think the system proposed would be the wisest or best for meeting the present emergency; and, therefore, he hoped the Government would assent to the second reading of the Bill.

COLONEL COLTHURST thought the best means of relieving distress in Ireland was by a proper and wise administration of the Poor Law; and, further, that an adoption in its entirety of the Bill of the hon. Member for Cork would involve an abnegation of the responsibilities and duties of property owners to contribute towards the maintenance of the poor. He had no particular objection to the making of a grant in relief of distress; but he hoped it would be so arranged that the distribution should take place through the medium of the Boards of Guardians.

MR. JUSTIN M'CARTHY said, he thought it a fair and reasonable proposition that a portion of the Surplus Funds of the Irish Church could be applied to the relief of distress, and that its distribution should be intrusted to the persons, who, as members of the Committees already in existence, had done so well the work which they undertook. While he objected strongly, as a general principle, to the maintenance of people by means of alms, he could not shut his eyes to the fact that the present was a case of the utmost urgency; and, therefore he supported the second reading of the Bill under discussion.

MR. W. E. FORSTER said, that if the debate was adjourned he would bring the whole subject under the con-

sideration of his Colleagues at the next Cabinet Council; but he wished it to be clearly understood that in his own particular case he was opposed to the principle of the Bill, on the ground that it would set a bad precedent in Poor Law administration.

DR. LYONS could not admit that the passing of the Bill would relieve the ratepayers to any appreciable extent of their responsibilities; because, though the sum asked for was a large one, it would not afford more than a very small sum per head of the distressed population in the way of relief, should it happen, as some feared, that Ireland would shortly have to face a further period of continuous distress. If he had any fault to find with the proposal of the hon. Member for Cork, it was on the ground of its inadequacy, and not that it was too extravagant in its scope. In his view, no sum less than £500,000 would be sufficient to meet the case. Should there be another bad harvest the Irish people would be visited by famine and fever. He was extremely glad that the right hon. Gentleman the Chief Secretary had consented to consult with his Colleagues, and while that consultation was in progress, he hoped both the right hon. Gentleman and the hon. Member for Cork would consider carefully the financial aspect of this proposal, and make up their mind as to whether they had asked the House for a sufficiently large grant to meet the emergency should it arise.

THE O'DONOGHUE said, he liked the Bill of the hon. Member for Cork chiefly because it had held out a prospect of immediate relief and was approved generally by the Irish Members, who knew the wants and wishes of their countrymen, and who knew that the Board of Guardians would not and could not do all that was necessary to cope with the distress by the distribution of out-door relief.

MR. SHAW LEFEVRE hoped the question would be adjourned in order that his right hon. Friend the Chief Secretary for Ireland might bring it before the Cabinet and seek a decisive opinion upon it.

MR. PARNELL agreed to the adjournment of the debate, and said he would put the Bill on the Paper for the following Monday on the understanding that no unfair advantage should be

taken of the adjournment to block the further progress of the measure.

Question put, and *agreed to*.

Debate *adjourned* till *Monday* next.

INDUSTRIAL SCHOOLS BILL.

On Motion of Colonel ALEXANDER, Bill further to amend "The Industrial Schools Act, 1866," ordered to be brought in by Colonel ALEXANDER, Mr. ROBERT N. FOWLER, Mr. VILLIERS STUART, Mr. WHITLEY, Mr. WILLIAM HOLMS, and Mr. BLAKE.

Bill *presented*, and read the first time. [Bill 247.]

House adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Friday, 25th June, 1880.

MINUTES.]—TOOK THE OATH—Several Lords. PUBLIC BILLS — *First Reading* — Elementary Education Provisional Orders Confirmation (Cardiff, &c.) * (100); Elementary Education Provisional Order Confirmation (London) * (101); Local Government Provisional Orders (Poor Law) * (102); Consolidated Fund (No. 1) *.

Second Reading — Marriage with a Deceased Wife's Sister (85), *negatived*; Local Government (Gas) Provisional Order * (87); Local Government (Highways) Provisional Order (Salop) * (88).

Third Reading—Local Government (Ireland) Provisional Orders (Dublin, &c.) * (80), and *passed*.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL—(No. 85.)

(*The Lord Houghton.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD HOUGHTON, in moving that the Bill be now read the second time, said, that as the subject had been so frequently discussed on former occasions it would not be necessary for him to deliver a long speech. In the various discussions which had taken place on the question with which the Bill dealt, matters of antiquarian, historical, and ecclesiastical interest had been thoroughly considered; and he should not,

therefore, again travel over the ground which they covered, nor need he refer to the legal difficulties which had arisen from the differences between the law in this country and the law in those of our Colonies, where marriages of this description were legal. But he proposed to say a few words upon the ecclesiastical and upon the social aspects of the question. He gave the first rank to the ecclesiastical question, because it constituted the real difficulty which had to be encountered in dealing with the subject. While no one would more regret than he the absence of the right rev. Bench from the deliberations of that House, there could be no doubt that the measure would almost instantaneously become law but for the resistance of the right rev. Prelates. It should, however, be remembered that if the right rev. Prelates prevented the measure passing, with them also lay the responsibility. Already the people of England were beginning to understand that it was the Church of England, as represented in their Lordships' House, which came between them and what many of them thought a portion of their public rights, and thus interfered, so far as this question was concerned, with their domestic happiness. He had never disputed, either in their Lordships' presence or in the Lower House, that there was a general consensus in the Christian Church from very early times in regard to the prohibition of marriages of this kind. There was no doubt that the Christian Church soon began to bring within its domain the law of marriage, and several new provisions on the subject were added at an early period to the Canon Law. Among those provisions were some which dealt with marriage in certain degrees of kindred and affinity. What was the animus of the Christian Church in this matter was not easy to decide. It might be that it felt itself bound in some degree to go upon the lines of the Levitical Law. It might be that in those rude ages it was thought that every possible restraint should be placed upon the indulgence of the sexual passion. It might have been also that the Church was anxious to extend its own powers by imposing restrictions in regard to marriage. The Church might also desire to increase the sanctity attaching to marriage by every means in its power, although it always preached

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the superior piety of the celibate state. Whatever the motive, these rights of restriction asserted at a very early period by the Church were confirmed by the State. But with the right of restriction there was always associated the right of dispensation. But with the changes of time the right was asserted, but the practice of dispensation had disappeared. When, in the order of events, the question of marriage fell out of the hands of the Church and came into the sphere of the State, there came with it the necessity of a change in the law; and the consequence of the development of these views was that they had adopted civil marriage as the absolute law of the country. No religious ceremony was required—no connection with the Church of England or any other religious body. What was the consequence? Could the right rev. Bench any longer assert their authority over the question? An enormous body of their Nonconformist fellow-countrymen asserted that there was no religion in the question at all, and that the Bishops of the Church had no right to enforce their opinions upon others by allying their opinions with their office. Had the right rev. Prelates any right to impose their views upon that important section of the community? He remembered being struck many years ago by the remarks made to him by a distinguished Prelate, Bishop Phillpotts of Exeter. That eminent man said to him that he was only concerned in the question so far as it concerned the Church of England; if the House of Lords gave the right to contract such marriages to the Dissenters, he had not a word to say against it; there was no reason, he said, why he or his Episcopal Brethren should dictate to other communions than their own. What Bishop Phillpotts had expressed his concurrence in was all that he asked from the Episcopal Bench. Let the Bishops continue their ecclesiastical legislation as they chose; but they ought not to attempt to impose it upon the enormous body of Nonconformists; and he called upon them to show by what right they could interfere with what many thought to be their social and religious liberties. So much for the ecclesiastical aspect. He would next call attention to the social view of the question. This was not a matter which affected only one single class of the community; and he believed that its

social aspect affected their Lordships more than the former. If the question concerned only the class of society in which their Lordships lived they would have a full right to follow their inclinations in the matter; but they were a Representative Assembly, and as such they must legislate not for a section alone, but for the community generally. His first inclination to take an interest in the question originated in what he had seen in his own neighbourhood in the North of England. There, in the great towns, he found those marriages were most frequent, and were made utterly regardless of the law. These marriages had been contracted in enormous numbers—and not only in the large towns, but in the rural districts—and would continue to be formed, because the grounds on which the interposition was based were purely ecclesiastical. What right had a certain number of people to oppose themselves to the comfort and honour of thousands? There was little knowledge of human nature in those who thought that the system of family relationship would be damaged by such a measure as this. The responsibility of marriage was the one thing which checked the appetites of men. But looking still deeper into human nature, it would be seen that the real danger lay in our best feelings—feelings of devoted attachment, of sisterly love ripened into affection, and which now came on without check or warning, which the proposed change in the law would suggest and interpose. He believed their Lordships would not be justified by refusing this Bill to oppose the desire of a large portion of the British people.

Moved, "That the Bill be now read 2^a."
—(*The Lord Houghton.*)

EARL BEAUCHAMP, in moving an Amendment that the Bill be read a second time that day three months, said, their Lordships were fully aware of the very active canvass which had been made on behalf of the Bill, and to the powerful influences which had been brought to bear in its favour. He trusted, however, that their Lordships would not be deterred from applying their minds carefully to the examination of a proposal which mainly affected that family life which was the foundation of society and the source of all their purest joys. The Bill he must, in the first place, point out

contained that very retrospective clause to which so much objection was taken last year; and, considering the promises repeatedly made by the noble Baron (Lord Houghton), that if the Bill was re-introduced it should deal only with the future and not with the past, he failed to understand why that pledge, given only last year, was not redeemed, and why in the Bill on their Lordships' Table it was provided that all marriages whatever which had been contracted within those prohibited degrees in this Kingdom or without should be valid. Some of their Lordships might think that, even if it were right to permit such marriages in future, there were good reasons why that legislation which was to apply to the future ought not to apply to the past. Those who had deliberately and with their eyes open entered into marriages which the law forbade had no just claim to the indulgence now demanded for them. The only reason he had heard from the noble Baron was that these marriages were contracted in enormous numbers. He begged leave to doubt the accuracy of that statement; but, at the same time, it was a fact that inducements had been held out for many years, and representations had been unblushingly made, that although those marriages were invalid if contracted in England they would be valid if contracted abroad. No one pitied more than he did persons who had been misled by those who ought to have known better into entering into those unions. But, even assuming that they had been contracted, as alleged, in enormous numbers, that was no reason whatever for refraining from considering the circumstances in which they had been contracted. If their Lordships were to be told that infractions of the law were to be reasons for changing the law, he asked, where was that principle to stop? Were they prepared to abolish contracts because one of the parties declined to fulfil the conditions into which they had entered? Would they abolish the law against bigamy because some men and women were not faithful to their marriage vows? Or would they repeal the law of larceny because there was an increase of juvenile crimes? He protested against that doctrine as being subversive of all legislation and morality. Whatever might have been the case previous to the year 1835—whatever obscurities or

difficulties might have existed as to the enforcement of what had been the law for 1,200 years, and, indeed, since Christianity was part of the law of the land—since 1835 the path had been plain and the road clear, and there could be no doubt that those marriages in the cognizance of every Court of Law were null and void. They were always null and void before; but a defect in procedure prevented the enforcement of the law in the temporal Courts. Their Lordships were asked to pass that Bill because it had been repeatedly brought up to them from the Lower House. Now, to urge that the measure had constantly received the support of the House of Commons was grossly to misrepresent the real facts of the case. The measure had been before Parliament since 1841, and there had been eight or nine Parliaments since then, and, speaking broadly, the measure had been before every one of those Parliaments. In the Parliament elected in 1841 the House of Commons refused to allow the Bill to be introduced at all. In the Parliament elected in 1847 the Bill was twice read a second time. In the Parliament of 1852 it was once read a second time and once rejected on the second reading. In the Parliament of 1857 the Bill was twice read a second time; in that of 1859 the House of Commons twice rejected it; in that of 1866 they rejected it once; in that of 1868 the second reading was four times carried; and in that elected in 1874 the second reading was negatived. This showed that in the majority of Parliaments the House of Commons refused to accept the Bill, and in the Parliament most favourable to the Bill, that of 1868, the majority in favour diminished from 100 to 35. So far as any argument could be drawn from the House of Commons its votes were conclusive against the Bill. Certainly, the noble Baron ought to be convinced by these statistics that the Bill had not been hitherto defeated by the action of the Episcopal Bench; and even when the Bill was last before their Lordships' House, the second reading was rejected by a majority of lay Peers. He thought the reference to the Episcopal Bench was an invidious one, and devoid of the basis of fact. But he did not know any question for which the presence of Bishops in that House was more appropriate than one such as this affecting the in-

terests of morality and religion. The majority of the House of Commons had rejected the Bill; and, therefore, he hoped their Lordships would not listen to misrepresentations which were industriously circulated. The law of England, as it was in this matter, had stood for 1,200 years. It was clearly defined by the Westminster Confession of Faith. The principle there laid down was that a man might not marry of his wife's kin one nearer than he might of his own. This was the principle on which the law rested, and if that principle were once encroached upon he could not tell how they were to escape from further encroachments. The whole of the English family-life rested on the clear lines of this marriage law, and once they departed from those lines they could not possibly stop. It was said there was no country in Europe where these marriages were not allowed, and they were told to take the case of Germany; but their Lordships had not been told that wherever these marriages were allowed, marriages between uncles and nieces were permitted. Among the Royal Houses of Germany arrangements of this description were frequent from political purposes; and there was one case in which a ruling Prince had married two of his own nieces in succession who were sisters. The noble Baron told them to look at America. He should decline to go to America. He did not prefer the social and domestic life of America to that of England. He might point to the peculiar arrangements that prevailed in certain classes in the United States, and would refer their Lordships to the enormous number of divorces as a proof of how slender was the family tie in that country. In whose interest was this change in the law proposed? It could not benefit the children, for in thousands of families the children received the greatest possible benefit from the tender teaching of the mother's sister. But if this Bill became law, the aunt could not give the same attention to her sister's children which she now gave, and desolation and dismay would be brought into hundreds and thousands of homes. Jealousy would take the place of love, and suspicion would be found where now there was confidence. They would not increase the confidence of the children in the aunt by making her a stepmother. It would not benefit

the widower, who now was able to seek consolation with his wife's relatives, but who, were this Bill to become law, would be deprived of their society for himself and his children. Who, then, would benefit by this Bill? The rich and powerful? No one ventured to say so, and therefore he would pass over that part of the question with this remark—that the money lavished in promoting this Bill could not have come from the very poor. Would this alteration of the law satisfy those who were moving in the matter? He deplored the well-known fact that among the lower classes so many men and women should be living together without being bound by the marriage tie; but that was no proof that this was owing to the restrictions imposed by the law upon marriages of the description now in question. He had been supplied with some statistics referring to a certain parish, by which it appeared that out of a total of nearly 30 cases there were three cases of union with a deceased wife's sister, and two cases of union with a wife's sister while the wife was still living; but there were seven cases of men living with their own daughters, ten cases of men living with their own sisters, and six cases of men living with their own nieces. Therefore he said that if they were to deal with the case of the poor, this measure really brought them no relief whatever; but it did unsettle the foundation of our marriage law. The noble Baron had alluded to the Roman law in respect to marriage in terms of depreciation. But he would read to their Lordships a passage from the history of Mr. Gibbon, which would show in what light the Romans regarded this subject. He says—

“The freedom of love and marriage was restrained among the Romans by natural and civil impediments. An instinct almost innate and universal appears to prohibit the incestuous commerce of parents and children in the infinite series of ascending and descending generations. Concerning the oblique and collateral branches, nature is indifferent, reason mute, and custom various and arbitrary. In Egypt the marriage of brothers and sisters was admitted without scruple or exception; a Spartan might espouse the daughter of his father, an Athenian that of his mother; and the nuptials of an uncle with his niece were applauded at Athens as a happy union of the dearest relations. The profane law-givers of Rome were never tempted by interest or superstition to multiply the forbidden degrees; but they inflexibly condemned the marriage of sisters and brothers, hesitated whether first cousins should

be touched by the same interdict, and revered the parental character of aunts and uncles, and treated affinity . . . as a just imitation of the ties of blood.”

On one occasion, when this Bill was under consideration in the House of Commons, Lord Russell said that if they made this change in the law they could not stop there—that this change would be, in his opinion, utterly imperfect unless they made it applicable to both sexes and to all degrees of relationship. Those who sought to defend this Bill by resorting to the Scriptural argument would find themselves standing on very slippery ground. He implored the House not to pass the Bill, because it would destroy the happiness of English homes and the trust and purity of English family life, while it would introduce confusion into our law.

Amendment *moved*, to leave out (“now”) and add at the end of the Motion (“this day three months.”)—*(The Earl Beauchamp.)*

VISCOUNT LIFFORD said, that while he could not agree with the arguments of the noble Earl who had just sat down (Earl Beauchamp), neither could he altogether join in the conclusions of the noble Baron (Lord Houghton) who moved the second reading. Our marriage law, no doubt, was founded upon the Levitical law; but there was nothing in Holy Scriptures which in any way tended to forbid such marriages as those with a deceased wife's sister, and it was not until that most iniquitous Pope, Alexander VI., sanctioned the restriction in the Canon Law that such a restriction became a law of the Church. He would here take the liberty of reminding the right rev. Bench that the Canon Law prohibited the marriage of priests. He thought he need hardly ask whether the right rev. Prelates acknowledged such marriages to be null and void? His own opinion was that these marriages, not being forbidden by the law of God, it became very much a matter of taste and inclination, and there was no reason why we should not revert to the old Levitical law. He believed that these marriages were much more numerous than was imagined, and the reason was that the people who contracted them considered that they were doing nothing contrary to Scriptural law. On the whole, he had come to the conclusion to support the Bill.

LORD COLERIDGE: I should like to say in a few sentences why I am still unable to vote for the second reading, or adopt the principle, of this Bill. It is not a question to be looked at from a Party point of view, nor is one's judgment upon it to be affected by Party considerations. Why supporting it should be supposed to be a portion of the Liberal creed I have never been able to make out; why Liberals more than Tories should desire this particular marriage, or care less than Tories for the comfort and delight which unmarried sisters-in-law can give, I confess passes my comprehension. It is possible that the grounds on which this measure is opposed do not approve themselves to the majority of Liberals; but dissent from some of the reasons of opposition is quite consistent with a strong dislike for other reasons to the thing which is opposed. So, at least, I find it in my case, and I will, with your leave, proceed to tell your Lordships why. I do not argue the religious question. I do not pretend to oppose the sanctioning of this measure because it is forbidden either in the Old Testament or the New. I have no pretence to the scholarship which would enable me to appreciate the Old Testament argument; and I can see nothing in the text of the New Testament, at any rate, in terms directed against this marriage. But if it were otherwise, I should deliberately refuse to argue the question upon any such grounds. Such reasons, if they exist, are no doubt binding on the consciences of those who believe in their existence; but they have no force for those who do not, and it is useless—it is merely irritating—to attempt to silence an adversary by an authority which he does not acknowledge; it is a waste of time to argue except on common ground and from premisses which are admitted. Thus much, and thus much only, I think, may be said from a religious point of view. We are standing upon an existing state of things; to change it will, in the opinion of many persons entitled to respect, be a breach of religious obligation. Without disputing whether it be so or not, you who wish the change ought to have some very strong reasons of another sort to justify you in changing the law when the change will so heavily affect many good and honourable men. Thus far, and thus far only,

do I feel inclined to push the religious argument. Furthermore, I freely admit that the whole question of marriage is more or less one of convention. Reflection shows us that there is, with hardly an exception—parent and child is probably no exception—no abstract right or wrong in these things. The marriage law of any country as to the degrees within which marriage is to be contracted is the result of what the cultivated intelligence of that country thinks wisest and best for the regulation of that sacred and intimate relation from time to time. It is obvious that connections from which we now quite rightly shrink, and which we quite rightly esteem as unholy and impure, and therefore as unlawful, were sometimes, must have been under some circumstances, pure and chaste and lawful. There is not a trace that Abraham's marriage with his half-sister shocked the feelings of the writer of the Book of Genesis. The Ptolomies and Cleopatras, following in this the customs of the Persians, allowed marriages between brothers and sisters of the whole blood apparently without scandal. To the nobler civilization of the Romans this connection had become intensely repulsive in the time of Juvenal. His condemnation of the Jewish King—

"*Barbarus incestæ dedit hunc Agrippa Sorori.*" is familiar to your Lordships. Yet to the Romans themselves the marriage of an uncle and a niece from the time of Claudius and Agrippina to the days of the Christian Emperor Constans was allowed without offence by the public law of the Roman Empire. It would be tiresome and pedantic to multiply examples. What I wish to draw from those with which I have troubled you is the consequence that you cannot argue conclusively from any former times that in this matter of marriage you must get, if you can, at the general sentiment, and aim at the general good, and that you should maintain that which conduces to the general good and which the general sentiment approves. Now, can it be said that the general sentiment approves this marriage? Go back 20 years, and no one can say that the current of opinion has, on the whole, been in its favour. The House of Commons has repeatedly rejected it. Even in the Parliament of 1868 the majorities in its favour steadily and largely diminished. Your Lordships' House—not a popular elective

Assembly indeed—yet in this, which is not a Party question, no bad index of the sentiment of educated men—has steadily rejected it. The richer and well-to-do are classes at least much divided on it. The poorer—I rejoice to think that we have nothing of the exploded nonsense as to its being a poor man's question—are, as far as I may presume to speak of them in my part of England, certainly against it. Scotland is not, perhaps, unanimously, but largely, against it. So, happily, without distinction of creed, is Ireland too. In all this I am speaking of men, and of men only. But to every marriage besides the man there is another party, and that is the woman. And whatever unpopularity may have been incurred, justly or unjustly, by woman's rights and by those who advocate them, it will, I suppose, hardly be disputed that in such a matter as this women have rights, and equal rights with men. If the vast majority of Englishwomen in point of number, if the great majority of refined and cultivated Englishwomen are opposed to this measure, if it is abhorrent to their feelings, what right have we, even if we were all agreed, to overbear them and disregard their wishes? That the women of these Islands in an enormous majority are opposed to it I absolutely believe. Such a matter as this is not easy of demonstration. I can but speak as I believe. I know that many women who shrank from any public action some years ago did not shrink from petitioning against this Bill. I know that amongst my own acquaintances I scarcely know one who supports it. I know that, as a rule, men most in earnest in support of the measure have admitted to me with regret that the women, as a whole, dislike it. I do not deny to Englishmen the legal power; I do deny to Englishmen the moral right to pass a law of marriage contrary to the wishes and repulsive to the feelings of the great body of their countrywomen. It is not generous, it is not manly, it is not, in my opinion, just. That there are some men who wish to contract this marriage, and some women too, of course I am not so foolish as to deny; but that the majority of those who support this measure are eagerly desiring to marry their sisters-in-law I must entirely disbelieve. It is, and always has been, the result of an agitation for which I have neither

sympathy or respect. And, further, I believe that a like case and a like agitation might be got up for legalizing marriage with any other kinswoman of the wife. Certainly, for example, with the wife's niece, if the same trouble were taken and the same money spent. I could have some sympathy and some respect for an agitation which had for its object a reconsideration of the whole marriage law, which went upon some principle which distinguished, for example, broadly between consanguinity and affinity, between kinsfolk and connections. I do not say I should agree with, but I should respect and understand an argument founded upon a sensible distinction which said that the kindred of the wife were not the kindred of the husband, nor the kindred of the husband the kindred of the wife. But this Bill is founded on no principle; it sets man free, but it leaves woman bound. It lets the husband marry his wife's sister, because it is said she is not his sister; but it forbids the wife to marry her husband's brother because he is her brother. Where is the justice, where is the common fairness of this? Suppose it were stepchildren, where there is no blood in common, would anyone bear for an instant with a proposition that a man might marry his wife's daughter, but that a woman might not marry her husband's son? My noble Friend knows that he dare not bring forward a measure founded upon any principle. He knows that the whole feeling of the country would rise against it with indignant scorn. Is it unfair, then, to say that this is advocated to please a few men who have broken the law, and to set free a few men more who wish to break it, but who are firmly determined that the liberty they claim themselves they will deny to their widows? My Lords, I deny that the general sentiment supports the Bill. I deny also that it is for the general good. It is not easy to overstate the benefit which the whole of society derives from the social relations at present possible between the husband and the wife, and the family of the other. Affection into which passion does not enter is the great civilizer of mankind. Passion we share with the brutes. The lowest savages equal in passion the most civilized races in the world. But unpassionate affection refines and lifts

up, and is the source of half the graces and more than half the beauty and delight of social life. Now your wife's sisters are your own, and the circle of unpassionate affection is largely widened. But pass this Bill and they become to you like any other women, and the circle of unpassionate affection is at once contracted. My Lords, I admit that, as a rule, you should be tender to minorities. I admit that, if possible, you should indulge men's affections. But this is a case in which you cannot indulge the wishes of the minority without doing a great injustice, and inflicting a terrible hardship on the majority. Let me explain. Most men do not lose their wives, and for them this Bill has no significance. To some men there comes a time when a great shadow falls upon them, when the light of their life goes out and hope dies within them. Some of them recover, form fresh ties, begin their lives again, and marry another woman. The majority of such men do not wish to marry their sisters-in-law, and for them, too, this Bill is of no use, but may be most mischievous. There remain those who do not recover, and who do not desire to form new ties of marriage. To these men and to those who do re-marry, till they re-marry, the society of a sister-in-law is a blessing perfectly unspeakable. Who can count the sum of innocent delight and comfort which this relation has given to men who most need such comfort, and at a time when they need it most? Why, for the sake of the few who do want to marry their wives' sisters, are sisters-in-law to be abolished for the vast majority of those men who do not so wish? Because you do abolish them. I said many years ago, and I venture to repeat it here because it is true, that by passing this measure you point out by statute the sister-in-law as the proper Parliamentary successor of the wife, and what modest woman will put herself in the way of a succession when most people will say that she is manifestly seeking it? Why is this hardship to be done to the great majority who are contented with the law for the sake of a very few who want to break it? My Lords, I will admit that the law of marriage having been altered in some of our Colonies, and altered in the direction of this Bill, somewhat complicates the question. As to some of them I do not

Lord Coleridge

deny that the law of marriage is within their competence to alter. Disliking this marriage as I do, I myself, when Attorney General, advised, I believe—the noble Earl the Secretary of State for the Colonies will correct me if I am wrong—that Colonial Statutes, at least in the case of some Colonies, for such an object were not illegal. But much as I regret this, and disagreeable as some of the consequences may be, I cannot admit that we are to change a law which we in these Islands think for the general good because our Colonies have passed a law which we do not think wise or beneficial. I will not speak of dragging down or dragging up; but I say that if in a matter of social concern affecting the tenderest and holiest relations of life, one or the other is to give way, it ought not to be this great country, the mother of nations, the home of a domestic purity and happiness, I will not say unequalled, but I will say unsurpassed, in the whole history of the world. There is much more to say, but I will not longer abuse a patience which I know I must have tried; and on these grounds, most inadequately and imperfectly stated, I ask your Lordships to reject a measure which tampers dangerously with a most delicate yet a most important subject upon no fixed principle, without sufficient reasons, with aims which are not entitled to respect and sympathy, and which I believe will lower the morality and impair the happiness of the great mass of the people.

EARL GRANVILLE: The noble and learned Lord who has just sat down has said what really amounts to a truism—namely, that this question is not a Party question. His putting it so clearly encourages me, in my personal capacity, and entirely apart from any Party connection or feeling, to say a few words, although I am not prepared to make any elaborate speech on this subject. The noble and learned Lord asked why it should be thought that this question should recommend itself more to the Party with which I am connected than to the Conservative Party. I can give no answer to that, except that the idea may have originated in the fact that the tendency of the Liberal Party is to think that any restriction upon freedom requires to be carefully justified on the ground of the public advantage. The noble Baron who has introduced this

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Mr. SPEAKER informed the House, that he had received from Mr. Justice Denman and Mr. Justice Lopes, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the Election for the Borough of Macclesfield.

And the same were read, as followeth:—

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Parliamentary Elections Act, 1868.

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The Speaker of the House of Commons.

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And, in further pursuance of the said Act, We certify that we determined that the said Respondents were not duly elected and returned, and that the said Election is void.

And we hereby certify in writing such our determination to you.

VOL. CLIII. [THIRD SERIES.]

And whereas charges were made in the said Petition of corrupt practices having been committed at the said Election, we, in further pursuance of the said Act, report in writing to you as follows:—

1. That no corrupt practice was proved to have been committed by or with the knowledge or consent of any Candidate at the said Election.

2. That the following persons were proved at the trial to have been guilty of corrupt practices at the said Election:—John Baker, William Johnson, William Smale.

3. That we have reason to believe that corrupt practices extensively prevailed at the Election to which the said Petition relates.

GEORGE DENMAN.

HENRY C. LOPES.

Bewdley,

June 23rd 1880.

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QUESTIONS.

MR. BRADLAUGH.

MR. LABOUCHERE: I beg to give Notice that I shall move on Tuesday next that the Resolution passed by the House in regard to Mr. Bradlaugh on Tuesday, the 22nd of June, be read and rescinded. I will take this opportunity of asking the Prime Minister, Whether the Government will afford me on that day facilities for bringing the matter before the House?

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LORD RANDOLPH CHURCHILL: I wish to ask the hon. Member for

hear it said that the cases in which a widower and his wife's sister share the same home are very few. I believe, on the contrary, that in certain parts of the country they are very numerous indeed. The noble and learned Lord says this is a question to be decided entirely by the cultivated minds of the community, and that the cultivated women of the country do not desire the change. Well, the law does not oblige these cultivated women to marry, and there is not the slightest obligation upon them to marry their sisters' widowers; but it surely would be wrong, because they may not wish to do so, to deprive others of that which they believe would be a great consolation to them. The noble and learned Lord stated that the feeling in Scotland was opposed to this Bill. But only a few days ago a Memorial in favour of this Bill was presented on behalf of the Convention of all the Royal and Parliamentary Burghs in Scotland, after a resolution had been passed by an enormous majority in support of the measure. It was stated at the time that in Scotland the practice of marriage with a deceased wife's sister was largely followed by the poor, and was rapidly spreading among the middle classes, and that these marriages were contracted without exciting the slightest moral or social reprobation in the circles in which they took place. In conclusion, I wish to say that no real reason has been given us why this amendment of the law should not be made; and, therefore, I, for one, will cheerfully give my support to the second reading of the Bill.

THE BISHOP OF OXFORD said, that it had been suggested that the right rev. Bench ought not to seek to impose its ecclesiastical opinions upon Nonconformists. But was it not possible that those who sat upon the Episcopal Bench should take an enlarged view of an important question quite apart from ecclesiastical considerations? He did not desire to touch upon any ecclesiastical considerations, but to deal with the matter simply as one which concerned all classes of the community. The Bill before their Lordships was, in fact, a Bill for the abolition of the table of prohibited degrees. Now those degrees were degrees of nearness; they prohibited marriage in the nearer degrees and allowed it in the more remote. The Bill allowed the near, and prohibited the more remote. A man

Earl Granville

was to be allowed to marry his wife's sister, but not the wife's niece. The Bill, in fact, would put an end to the idea of nearness of kin in relation to marriage. To talk of nearness of kin in the connection of marriage would be thenceforth idle words. He was surprised at the statement of the noble Earl (Earl Granville) that the present law was only 45 years old. He always hesitated to dispute a statement of the noble Earl; but he was bound to say that his statement was absolutely incorrect. He understood that in a leading case decided about 19 years ago it was stated by the Lord Chancellor that Lord Lyndhurst's Act made no change in the law; it only related to procedure. Moreover, the question of a deceased wife's sister was not mentioned from beginning to end of the Act. The Act made a retrospective distinction between affinity and consanguinity, and thus embraced the whole range of incestuous marriages. The House could not deal with the question otherwise than by making a broad distinction between marriages of affinity and of consanguinity. Lord Lyndhurst's Bill dealt merely with procedure, leaving the law of England exactly where it had been for 300 years. The right rev. Bench were interested in the question for other than purely ecclesiastical reasons. They were often, as a social matter, asked to advise on the question of marriage. If the Bill were passed, and they were consulted on the advisability of a marriage between persons related by affinity, they would be asked what possible ground they could have for discouraging such marriages, when the principle on which they were prohibited had been abandoned. He had not heard a shadow of reason in favour of the Bill. He should have thought that such a Bill would not have been brought in light-heartedly. It was proposed to do away with one principle without substituting another. On so important a question he thought that the advice of competent and learned men would have been sought before the introduction of such a measure. But he did not think that narrow prejudices should be imputed to the episcopal body without better reasons than he had heard that evening.

THE BISHOP OF LINCOLN: My Lords, I would not have risen but for an ex-

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And, in further pursuance of the said Act, We certify that we determined that the said Respondents were not duly elected and returned, and that the said Election is void.

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VOL. CLIII. [THIRD SERIES.]

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MR. GLADSTONE: Sir, I have not had any opportunity of consulting my Colleagues on this important question. Therefore, I wish to reserve my answer in a certain degree—that is to say, as to the particular form of proceeding it may be right to adopt—but as to that which I take to be the essential part of the Question which has just been put to me, I will say that I certainly am of opinion—I can undertake to say on the part of my Colleagues that we are distinctly of opinion—after the proceedings of yesterday, that it is requisite and necessary the subject of Mr. Bradlaugh's right should be effectually re-considered, and we will consider at the sitting of the Cabinet tomorrow what may be the best method of proceeding. I may also say at once to the hon. Member that I think the day for such consideration should not be later than Tuesday next.

LORD RANDOLPH CHURCHILL: I wish to ask the hon. Member for

Ripon, L. Bp.
 Aberdare, L.
 Abinger, L.
 Bateman, L.
 Blantyre, L.
 Boyle, L. (*E. Cork and Orrery.*)
 Brabourne, L. [*Teller.*]
 Breadalbane, L. (*E. Breadalbane.*)
 Calthorpe, L.
 Carew, L.
 Charlemont, L. (*E. Charlemont.*)
 Churchill, L.
 Cottesloe, L.
 De L'Isle and Dudley, L.
 Dorchester, L.
 Ebury, L.
 Elgin, L. (*E. Elgin and Kincardine.*)
 Gerard, L.
 Gwydir, L.
 Hare, L. (*E. Listowel.*)
 Houghton, L. [*Teller.*]
 Howard de Walden, L.
 Keane, L.
 Kenmare, L. (*E. Kenmare.*)
 Kenry, L. (*E. Dunraven and Mount-Earl.*)
 Lawrence, L.

Leigh, L.
 Lismore, L. (*V. Lismore.*)
 Meldrum, L. (*M. Huntly.*)
 Monson, L.
 Mont Eagle, L. (*M. Sligo.*)
 Monteagle of Brandon, L.
 Mostyn, L.
 Norton, L.
 Penzance, L.
 Ribblesdale, L.
 Robartes, L.
 Sandhurst, L.
 Shute, L. (*V. Barrington.*)
 Skene, L. (*E. Fife.*)
 Somerton, L. (*E. Normanton.*)
 Stanley of Alderley, L.
 Strafford, L. (*V. Enfield.*)
 Sudeley, L.
 Suffield, L.
 Talbot de Malahide, L.
 Tredegar, L.
 Tyrone, L. (*M. Waterford.*)
 Vaux of Harrowden, L.
 Wentworth, L.
 Wimborne, L.

Clanwilliam, L. (*E. Clanwilliam.*)
 Clements, L. (*E. Leitrim.*)
 Clinton, L.
 Colchester, L.
 Coleridge, L.
 Congleton, L.
 Crewe, L.
 Delamere, L.
 Denman, L.
 De Saumarez, L.
 De Tabley, L.
 Dinevor, L.
 Ellenborough, L.
 Forbes, L.
 Forester, L.
 Greville, L.
 Hammond, L.
 Hatherley, L.
 Heytesbury, L.
 Ker, L. (*M. Lothian.*)
 Lovel and Holland, L. (*E. Egmont.*)
 Lyveden, L.
 Massey, L.
 Monck, L. (*V. Monck.*)
 Northwick, L.
 O'Neill, L.
 Oriel, L. (*V. Massereene.*)
 Poltimore, L.
 Raglan, L.
 Rayleigh, L.
 Ross, L. (*E. Glasgow.*)
 Sackville, L.
 Saltersford, L. (*E. Courtown.*)
 Sherborne, L.
 Silchester, L. (*E. Longford.*)
 Strathnairn, L.
 Sundridge, L. (*D. Argyll.*)
 Trevor, L.
 Windsor, L.
 Winmarleigh, L.
 Wynford, L.

Resolved in the Negative.

Bill to be read 2^a this day three months.

NOT-CONTENTS.

Selborne, L. (*L. Chancellor.*)
 York, L. Archp.
 Marlborough, D.
 Somerset, D.
 Bath, M.
 Bute, M.
 Salisbury, M.
 Beaconsfield, E.
 Beauchamp, E. [*Teller.*]
 Bradford, E.
 Denbigh, E.
 Devon, E.
 Effingham, E.
 Gainsborough, E.
 Haddington, E.
 Hardwicke, E.
 Harewood, E.
 Lanesborough, E.
 Lucan, E.
 Macclesfield, E.
 Mansfield, E.
 Manvers, E.
 Mar and Kellie, E.
 Nelson, E.
 Redesdale, E.
 Rosslyn, E.
 Saint Germans, E.
 Selkirk, E.
 Shaftesbury, E. [*Teller.*]
 Sondes, E.
 Stanhope, E.
 Stradbroke, E.
 Strathmore and Kinghorn, E.
 Waldegrave, E.
 Wicklow, E.
 Cranbrook, V.
 Hardinge, V.
 Hawarden, V.
 Strathallan, V.
 Templetown, V.
 Chester, L. Bp.
 Chichester, L. Bp.
 Gloucester and Bristol, L. Bp.
 Hereford, L. Bp.
 Lincoln, L. Bp.
 London, L. Bp.
 Oxford, L. Bp.
 Peterborough, L. Bp.
 Salisbury, L. Bp.
 St. Albans, L. Bp.
 Winchester, L. Bp.
 Bagot, L.
 Balfour of Burleigh, L.
 Beaumont, L.
 Botreaux, L. (*E. Loudoun.*)
 Braybrooke, L.
 Brodrick, L. (*V. Middleton.*)
 Byron, L.
 Castlemaine, L.
 Clanbrassill, L. (*E. Roden.*)

ELEMENTARY EDUCATION PROVISIONAL ORDERS CONFIRMATION (CARDIFF, &C.) BILL [H.L.] (NO. 100.) A Bill to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Cardiff, Liverpool, Southampton, and Walton-on-Thames to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same: And

ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (LONDON) BILL [H.L.] (NO. 101.) A Bill to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same:

Were presented by The LORD PRESIDENT; read 1^a, and referred to the Examiners.

House adjourned at a quarter before Eight o'clock, to Monday next, Eleven o'clock.

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LORD RANDOLPH CHURCHILL: I wish to ask the hon. Member for

Northampton (Mr. Labouchere), Whether, in accordance with the declaration that he made yesterday, it is Mr. Bradlaugh's intention to continue his attempts to disturb the peace of the House? ["Order!"]

MR. SPEAKER: I cannot allow the noble Lord to put a Question with regard to the intentions of Mr. Bradlaugh. I am bound to say that such a Question is irregular, and is not a question relating to any Bill or Motion before the House, and therefore cannot be put.

Afterwards—

MR. NEWDEGATE: Sir, with reference to the answer the Prime Minister has given to the sitting Member for Northampton, which I understand to convey his decision to announce to the House what conclusion the Government may come to on the suggestion for rescinding the Resolution of Tuesday last, I beg to ask the right hon. Gentleman, for the convenience of hon. Members, and for your convenience, Mr. Speaker, Whether, until he has made the announcement of the Government, he will resist any attempt to use the privilege given by the Standing Order of 1866 of raising the question at any time, or to renew past scenes, which may be attempted on the part of Mr. Bradlaugh or his Friends?

MR. GLADSTONE: I am not quite sure that I caught the meaning of the hon. Gentleman. What is the privilege that he refers to?

MR. NEWDEGATE: I will put the matter very shortly. The right hon. Gentleman, as Leader of this House, has announced that he will communicate to this House the opinion of the Government with respect to the present position of the person who claims to represent Northampton. ["Oh, oh!"] May I not be allowed to answer the right hon. Gentleman? I want to know, Whether, as Leader of the House, until he has made that announcement, he will resist any attempt to renew the scene which occurred on Wednesday in this House.

MR. BERESFORD HOPE: Before my right hon. Friend answers that Question, perhaps he will also inform the House, Whether, supposing the case is taken on Tuesday, it will be at a Morning Sitting or at 4 o'clock.

MR. GLADSTONE: Sir, as I understand the matter, the Question would be

raised at the Morning Sitting on Tuesday, and what I have said was on that assumption. It is quite possible, however, that it may be the subject of re-consideration on Monday. I am at present under the impression that if the Motion is made, it will not be desirable for those who make it, or for those who resist it, to enter upon a revival or renewal of the lengthened arguments we lately had on the occasion of the former debate. If the meaning of the Question is what course I shall take in the event of the occurrence of anything calculated to disturb the Order of the House before the interval for further discussion has elapsed, then it appears to me to be quite impossible to give an answer until I know what the occurrence is. I should then, of course, endeavour to discharge my duty in maintaining Order.

MR. SPEAKER: It is right that I should point out to the House that at a Morning Sitting it has usually been the practice to proceed with the Orders of the Day, the Sitting being suspended from 7 to 9. I would, therefore, submit that if this matter is to be considered on Tuesday, it would be for the convenience of the House if the House met at the usual time.

MR. GLADSTONE: Probably, in the present state of matters, it will be better to allow the question to stand over until Monday. I say this with due deference to your opinion, Sir.

MR. COURTNEY: I wish to ask the right hon. Gentleman, Whether, considering the probability—I may say the certainty—of legal proceedings following the admission of Mr. Bradlaugh on Affirmation, he will take into consideration the expediency of introducing a Bill to extend to all persons elected to serve in Parliament as Members of the House of Commons, who may be unable or unwilling to take or subscribe the Oath, the liberty of making an Affirmation instead of taking the Oath, such as has been conceded to Quakers and other persons, so as to remove all doubts as to what persons are at liberty to make an Affirmation?

MR. GLADSTONE: I am unwilling at this moment to add anything to the general views I expressed in the recent debate. What I have stated is, that tomorrow, when the Cabinet will meet, we shall feel it our duty to take the whole question into consideration.

Lord Randolph Churchill

MR. MACARTNEY: Did the right hon. Gentleman mean to convey that there would be a Sitting of the House on Saturday?

MR. GLADSTONE: What I meant to convey was that there would be a meeting of the Cabinet to-morrow.

POOR LAW—CATHOLIC INSTRUCTORS IN WORKHOUSES.

MR. BYRNE asked the President of the Local Government Board, Whether he has observed in a discussion of the West Derby Board of Guardians, at a recent meeting, on a motion to pay a salary to the religious instructor of the Catholic inmates, it was stated that such a payment would be illegal, and would be disallowed by the Local Government Board; whether the present state of the law gives the Local Government Board the right to disallow a salary voted by a board of guardians to Catholic instructors in a workhouse; and, if it is so, whether he will take steps to call the attention of the board of guardians to the matter?

MR. DODSON: Sir, a payment to a Roman Catholic instructor would not be held illegal, and could not properly be disallowed if such an officer were appointed and his salary approved by the Board, as has been done in several instances.

COMPENSATION FOR DISTURBANCE (IRELAND) BILL—PAYMENT OF TITHE RENT-CHARGE, &c.

MR. MUNTZ asked the Chief Secretary to the Lord Lieutenant of Ireland, If, in the event of the passing of the "Compensation for Disturbance (Ireland) Bill," provision would be made to enable landlords affected by the Bill to postpone the payment of tithe rent-charge, and other payments for which they are liable, by virtue of their holding such property, until the 31st December 1881?

MR. W. E. FORSTER: Sir, I must observe to my hon. Friend that the question of this Bill will be before the House this afternoon. I cannot make such a provision as is suggested. I have no doubt the hon. Gentleman would wish me to give the reasons why; but really I must decline to do so pending the debate.

BOARD OF WORKS (IRELAND)—DRAINAGE WORKS AT BRUFF AND ATHLACA, COUNTY LIMERICK.

MR. O'SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If a joint application for a loan was received (by the Board of Public Works in Ireland) from the Earl of Sandwich and the Earl of Buckinghamshire, for the purpose of sinking the Morning Star River between Bruff and Athlaca, in the county of Limerick, which river overflows its bank every wet season, and destroys thousands of pounds' worth of hay on the property of those noblemen; and, if so, why the loan was not granted, the people being so badly in want of employment in that district?

MR. W. E. FORSTER: I find, Sir, that application was made by the Earl of Buckinghamshire and two other gentlemen for the purpose mentioned, and that the Board of Works were asked in the month of February last to give £2,120 for the purpose of draining the river alluded to. The loan was granted, and a first instalment of £320 issued; but in consequence of a delay in obtaining a power of attorney for the local agent, it was kept back until the 25th of May. On the 5th of the present month an application was made for the second instalment, but no reply has yet been officially given.

COMMISSIONERS OF NATIONAL EDUCATION (IRELAND)—THE GALWAY MODEL SCHOOLS.

MR. MARTIN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, if an allowance of 3½ per cent per annum be made on the money invested in the erection of the Galway Model Schools, and the average annual cost of repairs and other expenses be calculated, it be not the fact that the amount expended by the Commissioners of National Education in preparing each child in the girl's department for the result examinations during the two years ending the 31st March 1879, did not on an average for each child during these years exceed £9 each year; or, if not, can he state the amount expended by the Commissioners for each child during these years; has the aid given by the Commissioners for the preparation of each child in the

King's Inn Street Convent National School exceeded 10s.; and, if so, by what amount; is it not the fact that these last named schools have during these years supplied about thirty-one teachers, and the Model Schools but one, to other schools, or how otherwise; is it not the fact that in the last published Report of the Inspectors made by Mr. Gillies he has not stated that the King's Inn Street Schools was the best National School of any class he ever examined; and, whether, having regard to the small amount of State aid given to the King's Inn Street Schools and the high educational results there obtained, any steps have been taken or suggestions made with the view of increasing the payments made to the King's Inn Street Schools; and, if not, can he state the reasons for the continued application by the Commissioners in a manner so disproportionate to the educational work done as between the Model and King's Inn Street Schools?

MR. W. E. FORSTER: Sir, with regard to the Question of the hon. Member, I must say that as far as the money invested in the erection of the Galway Model Schools is concerned it would be impossible, or at any rate very difficult, to ascertain the proportion of the cost which was expended in the girl's department. As for the capitation grant, the amount per head in the Galway Model Schools in the year ending the 31st of March, 1878, was £7 4s., and in 1879 was about six guineas. The King's Inn Street Convent National Schools have had an average grant of 10s. per head; but in 1878 it was £1 2s. 8d., and in 1879, £1 3s. I have no information as to the last part of the Question, which opens up the whole question of the Model Schools, and I cannot at present enter into it.

MR. MARTIN: I beg to give Notice that I shall call attention to this subject on the Estimates for the Board of National Education in Ireland being brought forward.

ARMY — AUXILIARY FORCES — THE MID ULSTER ARTILLERY REGIMENT OF MILITIA — DUNGANNON WORKHOUSE.

MR. MACARTNEY asked the Chief Secretary to the Lord Lieutenant of

Mr. P. Martin

Ireland, Whether it is the case that the Local Government Board in Ireland has refused to allow the Board of Guardians of Dungannon Union to afford to the Mid Ulster Artillery Regiment of Militia the accommodation which it has hitherto enjoyed in Dungannon Workhouse during its period of training, which accommodation has, up to the present year, been allowed upon terms satisfactory to the ratepayers of said Union; and, if so, what are the grounds upon which said refusal is based?

MR. W. E. FORSTER: Sir, I find that the Local Government Board, in consequence of the distress of this year, think it necessary to keep the workhouses as available as possible for any emergency. I hope that there is no special distress in this district; but I shall try if this difficulty can be avoided without any great breach of the general rule.

CHURCH RATES (ST. SAVIOUR'S, SOUTHWARK).

MR. THOROLD ROGERS asked the First Lord of the Treasury, Whether his attention has been called to the letter in the "Daily News" of 23rd June, from Mr. Fielding, of Findlater's Corner, London Bridge, and from Mr. Stannah, of 20, Southwark Bridge Road, complaining of distresses being levied on them for church rates collected by the churchwardens of St. Saviour's, Southwark; and whether it is possible for the Ecclesiastical Commissioners, from the funds at their disposal, to make such payments to the minister of St. Saviour's Church as will obviate the practice complained of?

MR. GLADSTONE: Sir, I believe the state of the case to be this. These proceedings are not accurately described—though I do not hold the hon. Member responsible for the inaccuracy—as distresses levied for church rates. As far as I understand the matter, they have no connection whatever with a subject which was at one time so well known to us under the name of the church-rate controversy. Under a private Act of Parliament, a compromise, as it was deemed at the time, was effected between the incumbents concerned and the parishioners. The incumbents, on the one hand, surrendered the extensive claims of which they conceived themselves to

be legally in possession, and the parishioners agreed to constitute an endowment of the church by a charge on the property of the parish. That, as I am informed, is a correct statement of the case. The distresses which have been levied, and of which I know nothing except from the Question of my hon. Friend, must have referred to the payments which fell due in respect of such endowments. I have communicated with the Ecclesiastical Commissioners on the subject, and the answer I have received from them is to the effect that they do not feel at liberty to appropriate their funds, which were destined for the relief of spiritual distress, in order to enable the authorities of Southwark to dispense with an income that is already available under statute.

DISTRESS (IRELAND.)

LORD ELCHO asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, in any of the districts scheduled in his "Bill to provide compensation for disturbance in certain cases of ejectment in Ireland," a state of destitution and suffering now exists such as prevailed so generally in Ireland in the great potato famine in 1846-7; and, whether, at that time any measures for the suspension or remission of rents was introduced into Parliament and passed by the Government of the day, or whether there is any record in the Irish Office of such a measure having been contemplated or considered?

MR. W. E. FORSTER: Sir, I believe and trust there is in no one of the distressed Unions a state of destitution such as existed in the great Famine of 1846-7. I sincerely hope that not in the lifetime of my noble Friend, of his grand-children, or any of his descendants will there be such a famine again. As regards the measure now brought forward, I find no record of any previous similar measure. I will remind the noble Lord that what happened during the Famine cannot be considered as much of a guide for legislation. I will also further remind him that the Land Act has been passed since then.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been drawn to the following paragraph in the "Echo" of June 24th:—

"Kildysart, Thursday.

"At the Ennis and Kilrush Quarter Sessions which have just concluded, nearly 100 cases of ejectment were disposed of and the decrees obtained. The greater part of those against whom the decrees were taken out are people who are dependent upon the relief funds for support. At Kilrush a decree was obtained against a man named Nash, with ten children, the holder of half an acre, for which, with a dwelling house, he paid four pounds yearly. A few days before the sessions the sum was made up by subscription, and he forwarded it, together with ten shillings costs, to the landlord's solicitor, but it was almost immediately returned;"

whether it is the fact that numerous ejectments have also been served throughout Ireland generally, and whether the Government will introduce any provision into the Compensation for Disturbance Bill to prevent landlords forestalling its operation; and, whether the Return of Evictions for the last six months, founded on district returns from the various head constables and sub-inspectors of Irish Police, will be presented to Parliament; and, if so, what are the circumstances taken into consideration by the police in filling up the column "hardship or not" contained in this return?

MR. W. E. FORSTER, in reply, said, his attention had only been called to the paragraph referred to when he read the Question of the hon. Gentleman. As to the second part of the Question, he would have something to say on that head when the provisions of the Bill about to be introduced were discussed. He would ask that the application for the Return should for a short time be postponed until further information was obtained.

ELECTION PETITIONS—REPORTS OF ELECTION JUDGES.

MR. WHITBREAD asked Mr. Attorney General, If he will state the position of the House in relation to its power, when, on the trial of an Election Petition, the Judge has reported the existence of extensive corruption?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, he was glad to have the opportunity of correcting an inaccurate report of what he had said with respect to the action of the House on Election Petitions. He would briefly state the position of the House in relation to its power over the Reports of Election Judges. In

cases in which a Report was made to the House that extensive corrupt practices had prevailed, it was within the power of the House, under the Statute of 1852, to move for a joint Address with the other House to Her Majesty, representing that a report of extensive corrupt practices had been received, and praying that a Royal Commission might issue to inquire into the existence of such corrupt practices. By the Statute of 1863, the obligation was cast on Committees of the House in all cases of bribery and corruption to Report to the House whether such practices had extensively prevailed. The Statute of 1868 transferred the obligation to the Judges, and the House had the power, but not the imperative duty, of moving an Address in the terms he had mentioned to the Crown jointly with the other House. It was usual to regard the Report of the Judges as final; but it was within the power of the House to review their Reports.

MR. J. R. YORKE asked, Whether any real difference of facts was implied in the distinction between the two forms, "corrupt practices have extensively prevailed" and "there is reason to believe that corrupt practices have extensively prevailed?"

THE ATTORNEY GENERAL (Sir HENRY JAMES) replied, that the latter form was, in his opinion, equivalent to a direct Report of corrupt practices.

PARLIAMENT—BUSINESS OF THE HOUSE.

SIR STAFFORD NORTHCOTE asked what would be the Business of the House on Monday?

MR. GLADSTONE said, he proposed to proceed with the Navy and Civil Service Estimates, and on Thursday he hoped to take the Employers' Liability Bill.

MR. A. J. BALFOUR asked at what time the Prime Minister would ask the House to consider the second reading of the Burials Bill?

MR. GLADSTONE: I will take care to give full Notice of the time of the second reading of this Bill; but, viewing the state of Business in this House, it cannot be on a very early day.

The Attorney General

ORDERS OF THE DAY.

COMPENSATION FOR DISTURBANCE (IRELAND) BILL—[BILL 232.]

(Mr. William Edward Forster, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

SECOND READING.

Order for Second Reading read.

MR. W. E. FORSTER, in moving that the Bill be now read a second time, said: As the House is aware, this Bill, though it is only a short one, and is also a temporary one, yet excites much interest, not to say opposition—in fact, I do not know that I ever had anything to do with a Bill to which I found so much opposition—arising, I believe, from very great misapprehension. I find, for the first time in my life, that I am looked upon as a very extravagant and revolutionary person. The Bill also has been termed revolutionary—it has been described as a measure to encourage the non-payment of rent, to confiscate the property of landlords, and to destroy all rights of property. ["Hear, hear!"] Hon. Gentlemen cheer the statement—but, possibly, they will cheer still more the description of the Bill given by the hon. Member for Mid Lincolnshire (Mr. Chaplin), who, doubtless, considered that he combined almost every epithet of opprobrium, when he said that it "embodied all the worst and most noxious features of the Land Act of 1870." I am sure, however, the House will give me a fair hearing while I explain what I understand to be the object, meaning, and probable effect of this Bill. And, in doing so, I must trouble the House with some explanation of what I believe to be the intention of some of the clauses of the Land Act of 1870—because there is great misapprehension with regard to them as well as with regard to this Bill. Before I sit down I hope to show that this Bill is expedient and just—that it is brought in to carry out the spirit of the Land Act, and that it is required as a temporary modification of that Act, under the special circumstances of the case. Now, let me explain its principles. There is in it a limitation of time, and there is also a limitation of area—it is limited to the end of next year and to the area of those districts which are scheduled as dis-

tressed. We introduce these limitations, first, because we do not think the House is ready—and, in fact, we ourselves are not ready—for the introduction of any permanent Bill with regard to the Land Question; and next, because in the special circumstances of this year, and in the special circumstances of these districts, we think that a Bill with regard to evictions—why, I shall explain hereafter—is especially urgent, and, in fact, to our minds, necessary. Now, what are these districts? They have not been defined by me, or by the present Government, or by the present Parliament—they are those districts which were declared to be specially distressed by the late Government and by the late Parliament. The noble Lord the Member for Woodstock (Lord Randolph Churchill) asked me a Question yesterday with regard to these districts, and I think he was rather surprised to find that none had been scheduled since the 29th February. None could legally have been scheduled since, and there has, of course, been no intention to break the law. They were scheduled by the late Lord Lieutenant of Ireland (the Duke of Marlborough), in consequence of the belief that the Government had—a belief that has been confirmed by the unanimous vote of this House—that exceptional temporary legislation was required for the exceptional circumstances of these districts. There has been exceptional legislation. Loans of very large sums have been granted in order to meet the distress of these districts on terms, I believe, never offered before. It was because we wanted to fasten this Bill on the attention of the House and the Country, that when we thought it necessary to propose this measure, we first tried to introduce it as an amendment to the Relief of Distress Bill. I mention this in order to explain to the House why we took that course. There was no intention whatever to take the House by surprise—if we had been allowed to keep this clause in the Relief of Distress Bill, we should have had to move an Instruction, and hon. Gentlemen would have had the same opportunity of discussing it, and of rejecting it if they choose, as they will now have on the second reading of this Bill. I should be very sorry if any Member of the House thought I had wanted under any circumstances to take an un-

fair advantage. The proposal is limited, as I have said, to the scheduled Unions, generally speaking, to the Western half of Ireland; but there is, practically, another limitation—that is, it is limited to those Unions outside Ulster and outside of the districts where Ulster Tenant-right exists. And for this reason—that I cannot conceive that any tenant in Ulster would seek to make use of this Bill when he has a much stronger and more speedy remedy, and one which gives him a much larger compensation.

Now, what is this temporary proposal? Simply this—that if in the distressed districts, and during this year of distress, it shall appear to the Court—meaning the County Court Judge, the official to whom these questions are referred by the Land Act, who has under that Act much more important cases of compensation to decide than will come under this Bill—if it shall appear to this Court, first, that one of the tenants is unable to pay his rent; secondly, that he is unable to do so on account of the distress arising from the bad harvest of this and the two previous years; thirdly, that he is willing to continue in his tenancy on just and reasonable terms as to rent, and arrears of rent, and otherwise; and, fourthly, if those terms are unreasonably refused by the landlord—then, and then only, can he obtain such compensation as the Court may think just under the 3rd section of the Land Act, 1870. Now, observe that all these conditions must be fulfilled. No compensation will be given unless the tenant cannot pay his rent; unless he is too poor to pay; and unless his poverty arises, not from sickness, unthriftiness, or from his own action, but from the special grounds of these three bad harvests. Then, again, he must be willing to try his utmost to pay a reasonable rent—that is, to submit to pay a rent either reasonably reduced under the circumstances of this year, or with reasonable time given in which to pay, and the landlord must be unwilling to make that reasonable reduction, or to give him that reasonable time. If all these conditions are fulfilled, then the landlord and tenant come under the scope of Section 3 of the Land Act. I hope the House will not think I am wearying them if I remind them what that section is. The reason why I go back to the Land Act is, because, although it was passed only

some 10 years ago, it seems to me that its provisions are most wonderfully forgotten—there seems to be a most curious forgetfulness with regard to them. I hear hon. Gentlemen speaking of the Land Act as if it merely enacted two provisions—one, to legalize the Ulster Tenant right, and, secondly, to give compensation to tenants all over Ireland for improvements. But Section 3 of the Land Act did a great deal more. It went so far as to establish the principle that not only in Ulster, but out of Ulster, the tenant had some right to his holding. I will not now enter into a discussion as how that right should be termed—whether property or goodwill, but some interest of the tenant in his holding is very clearly acknowledged by that section; and there was so much interference with the right of the landlord to do what he will with his own, or there was so far a declaration that his land was not absolutely his own, that he was not allowed to do what he could do in England or Scotland—namely, turn out his tenant when the tenancy expired, simply because he wished to do so. Remember that is what the Land Act enacted by Section 3. It clearly enacted that there was to be compensation for what was called “disturbance,” by the landlord making the tenant leave his holding. Well, what does “compensation for disturbance,” mean? It means that the tenant is to receive a sum of money which was regulated by the number of years’ rent—the maximum of compensation being limited to £250—because he was dispossessed of his holding. I suppose that is what the hon. Member for Mid Lincolnshire (Mr. Chaplin) calls “the worst and most noxious feature of the Land Act.” But, after all, the Land Act was passed almost unanimously in this House, and unanimously in the other House. It is quite true that when this clause was brought forward, many hon. Members thought it a startling one. It was, no doubt, a clause new to the British Statute Book. The objections to it were most powerfully put, for the Motion against it was moved by the present Lord Beaconsfield; but the House declared by a large majority in its favour. I do not know, however, that it is my business, at this time, to defend what was done by Parliament in regard to the Irish Land Question in 1870. I believe this House is not less

likely to consider the claims of tenants or more likely to consider the claims of landlords than was the House of 1870; but I will add that, looking back to the history of the relations between landlord and tenant in Ireland, we must regard this clause as a just and wise one. And I will go further, and say that my belief is that without some such clause as that Ireland would have had at this time to be governed by martial law. I remember being present in Ireland, not very long ago, at a meeting of gentlemen who were not, generally speaking, of my own side of politics. A very pleasant evening I spent with them; but though they complained a great deal of the Land Act, they admitted that, at all events, it had had the effect of putting an end to capricious evictions—and we know that, though Irish landlords will, as I believe, compare favourably with any others as regards justice and kindness, yet still capricious evictions did occur. But, in taking away this power from Irish landlords of capricious eviction—that is, of getting rid of his tenant simply because he did not wish to keep him as his tenant—we acknowledged and declared this principle to the tenants of Ireland—especially to the smaller tenants of Ireland—that they have by the very fact of their tenancy some right and some interest in their holdings different to what is possessed by the tenant either in England or Scotland. I am perfectly well aware that there is an exception to this clause, and it is one which I hope may give the hon. Member for Mid Lincolnshire some comfort, and may lead him to acknowledge that the Land Act was, after all, not altogether so bad as he supposes. Section 9 of the Act declares that except on some specific limitation—which I will allude to afterwards—the power of discretion given to the Court to compensate evicted tenants shall not be exercised in the case of tenants who are evicted for non-payment of rent. Therefore, the question we have now before us is this—whether or not I am right in saying that, under the special circumstances of this year, and for the relief of these distressed districts, this exception ought not itself to be modified? Remember, Section 3 was not only framed with the intention of putting a stop to capricious evictions, inasmuch as it made the landlord pay heavily for them, but it also gave the Court power to give the

tenant such compensation as it might think just, where the rent was raised without the consent of the tenant. I do not know whether hon. Gentlemen are aware of the fact that by the law as it now stands, throughout the whole of Ireland, with the exception of Ulster—that is, even where there is no Ulster Tenant-right—if the landlord chooses to raise the rent of the holding, he can only do it at the expiration of the tenancy; and if the tenant does not consent to pay the increased rent, he has to give notice to quit, and that notice will bring the tenant within the operation of this 3rd section, and he will then get the compensation for disturbance which the Court may award him. Bearing this in mind, I ask hon. Gentlemen whether I am not right in saying there is very good ground to suppose that in a good many cases the keeping up in 1880 of the same rent, or anything near the same rent, as was paid in the good years before 1877, is really very much the same thing as if in good or average years the rent had been raised; and whether this temporary Bill is not merely carrying out the spirit of the Land Act, when it proposes that in these cases a tenant may be treated as though his rent had been raised? I have described Section 9 as a limitation of Section 3; but Section 9 has its limitation within itself—and that, again, I suppose, is another “noxious feature.” Section 9 declared, as it finally passed, that certain tenants, if the rent be “exorbitant,” could apply to the Court for compensation. This part of the clause has, however, been, in fact, rendered a nullity by the use of the word “exorbitant,” which has a special legal meaning. The word “exorbitant” was inserted in the clause in place of the word “excessive” by the House of Lords, and thereby the operation of the section was defeated; but the principle of this Bill is there—for the principle was affirmed that where the rent is “exorbitant,” a tenant may be entitled to compensation even when he is evicted for non-payment of rent. This is what the clause affirmed, as it finally passed; but how was it passed in this House? It left the House of Commons with words in it which provided that ejectment for non-payment of rent should not be deemed disturbance of the tenant by the act of the landlord, unless the Court so decided, on “special

grounds,” in the case of persons claiming for compensation at the termination of the tenancy existing at the time of the passing of the Act. That is how the Act left the House of Commons, and if it had been passed in that, it would have been a greater interference with landlords and a greater protection to tenants than the Bill which I am now submitting to the House. But “special grounds” is a very wide and grave description. Who can doubt that if the Court have power to take into consideration “special grounds,” it would deem the harvests of the last two or three years such “special grounds” as would authorize it to afford greater protection to the tenant? I may be told what has that to do with the question—what does it matter what passed in the House of Commons? We must take the Act as it passed both Houses of Parliament. But I am dealing with the House of Commons, and I repeat, I do not think the House of Commons of 1880 will be less disposed to consider the claims of the tenant than the House of Commons of 1870 was; more especially, seeing that the change in the Bill was only effected after two or three conferences between the two Houses, and was only reluctantly assented to on the part of this House for the purpose of saving the Bill. I shall be told that this limitation only referred to tenancies then existing. True; but who doubts that the circumstances which demanded special protection for some tenants then, are similar to the circumstances which demand it for some tenants now? And who can suppose that, if it had been thus passed, its operation could have been limited by date of tenancy among tenants similarly circumstanced? Very probably words will be quoted from speeches of my right hon. Friend (Mr. Gladstone), separating the fact from the fiction. It is not for me to defend him; but it may be that he and most of us in the Government of that day had more hope and faith in the absolute settlement of the Land Question by the Land Act than has been justified. I believe it has done great good, and I believe without it we should have had incalculable evil. Nevertheless, it may be true that, at the time it was passed, the tremendous strain of the last three years was not foreseen.

Well, I have tried to tell the House what the Bill is, and how it amends the

Land Act. Perhaps the House will allow me to refer to a statement I saw to-day, because it really shows how, even among gentlemen connected with Ireland, there are great misapprehensions. There is a letter in the papers to-day from a noble Lord who, I believe, is a gentleman of great Irish experience (Lord Annesley), in which he says—

“Were it to become law, a creditor who asked his debtor to pay him what he owed him would in some parts of Ireland be fined seven times the amount of the debt; in other parts, where Tenant right prevails, from 20 to 40 times that amount. If a tenant refuses to pay his rent, the only means of enforcing payment is by an ejectment.”

Really, this is a remarkable statement. The writer seems to forget that if the Ulster tenant is ejected at this moment for non-payment of rent, and under circumstances discreditable to himself—if he cannot pay from want of thrift—still he does not lose the value of his tenant-right; and if the landlord chooses to take his farm into his own hands, he has to pay him that value, whatever it is. If hon. Gentlemen would only test what they hear by the facts, they would find that much that is said is not altogether justified. But, now, what is the actual position of affairs? Practically, this Bill will mainly affect small tenants. The scale of possible compensation is seven years' rent for tenants under £10, five years' under £30, one year above £100, and the highest sum that can be awarded, whatever the size of the holding may be, is £250—that is the utmost a County Court Judge can give. Against this sum have to be set the arrears of rent, which, I suspect, will, in many cases, sweep off all the compensation. Now, I want to ask the House to consider who are these small tenants with whom we have to deal. First, they are men unable to pay the rent, or else the Court would not consider the claim; secondly, it is the circumstances of the time—the distress of the year and the failure of the harvest—that have made them thus unable; thirdly, they are willing to pay the rent if the landlord would give them reasonable terms in reduction or time; and, lastly, the landlord will not give them these reasonable terms. It is only under all these conditions that the tenants can get compensation from the Court. They are—or a very large majority of them are—attached to their holdings—it may be by what we call a

sentimental attachment. Considering the misery that they and their families have lived in for centuries, it is only surprising that they should be so attached; but there are sentiments with which we cannot reason, and this is a sentiment much akin to patriotism, without which very few countries would be what they are. Remember, too, that these are men whose interest in their holdings has been acknowledged by the Land Act—whether by what is called its “noxious features” I do not know, but by this Act—passed by an enormous majority in this House, and, I believe, unanimously in the House of Lords. Remember, also, in the vast majority of cases these small tenants have no other means of living than their holdings. I will read a letter I have received to-day from a friend who worked with me in the Famine of 1847 (Mr. Tuke), who went to Donegal to see the state of things now as compared with what it then was. He does not find the destitution now equal to the famine in those days; but he does find great distress due to the two or three bad crops that have deprived the people of their sustenance. He says—

“It is extremely difficult to an Englishman to realize the intensity of feeling which exists on the Land Question in Ireland; and, in looking for some of the causes which have led to this, we shall find that it is due to a large extent to the overwhelming proportion of the population which is engaged in agriculture. To nine-tenths of the population of Connaught the possession of a bit of land is the sole means of existence. Of manufacture there is none, and, the majority of the farms being too small to need hired labour, of agricultural labour there is scarcely any. Take away from the tenant his little holding, and nothing is left to him but the workhouse. Except in some of the towns, there is not even an unoccupied house which a man could hire if he obtained work apart from his holding. Hence the tenacity with which the holding is retained and defended. They are like shipwrecked sailors on a plank in the ocean; deprive them of the few inches by which they ‘hold on,’ and you deprive them of life. Deprive an Irishman of the few feet of land by which he ‘holds on,’ and you deprive him of all that makes life possible. For the workhouse, distasteful enough to an English labourer, is simply unendurable to an Irish peasant. That this is no mere sentiment is often impressed upon the visitor who enters the cabins of the people, where it is so common to find some infirm or aged person dependent on the kindness of the family for the miserable subsistence he obtains, and who in England would without doubt have been sent to the workhouse long before. Who would wish to lessen this kindly feeling, or break down the almost insurmountable repugnance to the workhouse?”

Mr. W. E. Forster

Well, I have said that no Ulster landlord need regard with fear the operations of this Bill. The hon. Baronet opposite (Sir Hervey Bruce) asked me a question about it, and, knowing he was an Ulster landlord, I could understand his interest; but I hope his sympathy with the landlord out of Ulster will induce him to consider whether the better position of the Ulster landlord may not be, in some measure, owing to the better position of the Ulster tenant. Now, what is the position of the Ulster tenant? What did this Land Act do in Ulster? First, it legalized the Ulster Tenant-right—that is, it made the goodwill of the farm or the property in the tenancy a legal property. Next, it made the County Court Judge the judge of the value of the property; and, thirdly, it acknowledged the right of the owner of the property—that is, of the tenant—to obtain compensation in every case—in case of ejectment for non-payment of rent as well as in others. I refer to this fact partly for this reason. We have many champions of political economy in these matters; I do not know that they are exactly the same Gentlemen who advocate political economy in other matters. However, I ask them to consider whether, seeing that after long debates such provisions as I have described, to be applied in Ulster and out of Ulster, were passed by Parliament in 1870, there must, after all, be some circumstances in Ireland affecting landlords and tenants which prove that the rules of political economy as between buyer and seller do not absolutely apply? But, however this may be, I want the House to compare the position of the Ulster tenant with the position of the non-Ulster tenant, because I have had to compare them, and I have had to make the comparison because tenants out of Ulster make it themselves. Do not imagine that they do not know what this Act has done in legalizing the position of the tenants in Ulster. Take an estate, part of which is in Ulster and part out of it. Suppose there be small tenancies in each case; suppose distress arising from failure of crops has had the same effect in one place as another; the tenant on the Ulster side of the border gets his compensation for disturbance—upon having to leave his farm, he gets something that he can go to America with. The tenant outside Ulster, unless there be special

kindness on the part of the landlord, is driven out helpless and hopeless. I am not one of those who would discourage emigration by these small tenants—I believe that some of them are in such a difficult position on account of the numbers existing on very poor land that no law that we could pass would give them a comfortable life—and, instead of discouraging them, I would encourage them to emigrate; but there is all the difference between a man emigrating with the means of re-starting in life, and a man emigrating without a farthing and finding himself helpless and hopeless in the slums of New York, suffering greater misery than he did in Ireland. I do not want the emigrant to go away with a feeling of hardship and injustice. I am not making any charge against the landlords as a class; it would be most unjust and untrue to do it. But there are exceptions; there are landlords who are hard by nature; there are others who are hard through circumstances, because they are in the power of others, or because they are too far away from their property and do not know the facts. I shall not allude further to these exceptions, because I want the House to feel what I feel—that if the landlords have the letter of the law behind them, we must enforce their rights. Remember this, if the landlords carry out the letter of the law, the Irish Government must enforce the landlords' legal rights. We must do this, because, whatever may be the hardship to the tenant, that does not equal the evil of allowing the law to be disregarded and disobeyed.

Now, you may say, with these facts before you, why did you not bring in this Bill at the beginning of this Session? You knew the distress—you knew the meaning of the Land Act—you knew the relative positions of the Ulster tenant and the non-Ulster tenant. Well, we did not do so because we hoped that we might put off legislation until we had all the facts before us, and knew how the Land Act was working, and then we might bring it before the House, and inquire how far it required amendment. Then, it may be said, "If you did not bring it in then, why have you brought it in now?" Well, for this reason—that we found we could wait no longer. Facts are accumulating upon us. Evictions have increased and are increasing—I have here the figures as to the evictions the Consta-

bulary have had to conduct—they are not all that have been effected, only those in which the aid of the Constabulary has been required—and I deduct from them all the cases where the evicted tenant has been re-admitted—this list, moreover, has nothing to do with process-serving. The average evictions for the five years ending in 1877 was 503 for each year; in 1878 the number of evictions was 743; in 1879 it was 1,098; and up to the 20th of June in the present year it has been 1,073.

MR. CHAPLIN: How many of these evictions were for non-payment of rent?

MR. W. E. FORSTER: I cannot say exactly, but I know that a very large portion of them have been for non-payment of rent. Well, with this exceptional increase of evictions has come the necessity of using an exceptional amount of force to carry out the law. Now, I take merely the West Riding of Galway. Since the 1st of January in this year, the number employed in protecting process-servers has been 107 officers of Constabulary and 3,300 men, and 16 officers and 626 men in carrying out actual evictions; there have been from 40 to 50 cases of process-serving, and 12 of actual evictions. I have read these figures, because I want the House to sympathize with the Government in this matter. I want them to see how we find it to be serious. Three or four Sundays ago I was informed that 87 processes would have to be served upon a village in the wildest part of Galway, where there was a very poor tenantry and very few roads, and in which village there had been an effectual resistance in the spring of this year. I was told that 150 men were told off for the duty, and that the probability was that they would be resisted and would have to fire their way through the mob. Of course, I did what any man in my position would do. I gave directions at once that the process-server must be protected in the discharge of his duties, but that every possible care must be taken to avoid collision between the people and the Constabulary, and that, therefore, a force must be sent out which would make resistance hopeless; and if the Constabulary was considered insufficient, the aid of the military must be called in. The result was that a large force of Constabulary—a force of 200 men well led—

were sent down, and proceedings were conducted with the greatest success. If there had not been enough of men there might have been something approaching a battle. What happened, however, on that same day in another village in Galway not far off? A force of 50 men went with another process-server—I was not previously informed—but the force was not strong enough to prevent resistance, and the consequence was that the Constabulary had to charge through the mob with their swords drawn. I am glad to hear that no one was killed, though several were wounded; but I trust none of the wounds were serious. Two days before that, 100 men were engaged at no great distance in seeing an ejection carried out. I am not going to condemn the landlords upon any one of these occasions, and I am perfectly aware that the law must be enforced; but what I want the House to consider is, whether, with facts such as these before them, they will not make such modification in the present law as will carry out the spirit of the Land Act, so that we may be enabled to carry out the law with a clear conscience?

I cannot sit down without saying a word or two with reference to the objections that either have been or may be raised to this Bill. It has been said that, in introducing this measure, we are making a concession to what is called the Anti-Rent agitation. I must here remark that there are very few agitations for which there is absolutely no ground. There are very few cases of great smoke where there is absolutely no fire. My belief is that by passing this measure we shall be putting out the fire, and doing very much to destroy the agitation. Do not let hon. Members suppose for a moment that I approve of this agitation—I deeply lament it—I deeply condemn it. If any Gentlemen here have been promoters of that agitation—I beg them to recollect that if they have ever been at meetings, and have used any expressions which would give these poor people, who have got the distress of centuries rankling in their minds, the notion for a moment that they could resist the law, or that they would have the slightest success in such an attempt, they could not by any possibility be doing them a greater harm or be incurring a greater responsibility. I do not know that I can better express my

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opinion on this subject than by reading the following extract from the *Flag of Ireland*, which certainly is not written in the interest of the landlords of Ireland.

MR. PARNELL hoped that the right hon. Gentleman would also state that that newspaper did not represent the Irish Land League.

MR. W. E. FORSTER: When the hon. Member hears the extract read, he will see that it is unnecessary to point out that fact. The extract, which appeared on the 19th of this month, is as follows:—

"A representative of the Land League, at a meeting held last Sunday, said that the League 'had in view a set of objects, and if they enabled them to carry out those objects they would make the property of Irish landlords so worthless that they would leave it with them.' These objects were that they should endeavour to 'keep a grip' of their holdings, and that no one should be allowed to take a farm from which a tenant had been ejected. Their American friends, he said, were going to work in the right way. 'They could not send them arms, but they could send that which created arms—money, and he trusted they would band together and agitate and organize for the total extinction of landlords'—by 'constitutional agitation,' of course. We say deliberately that talk such as this is iniquitous. To goad an unharmed and helpless people, by thinly-veiled incitements like this, to deeds for the attainment of objects which are unattainable—which must bring ruin, swift and sudden, upon themselves and their families—is entirely unjustifiable, and the men who do this incur very grave responsibility."

I cannot leave this matter without making some allusion to what has happened in the West of Ireland. There have been many bad cases of great cruelty to tenants who have paid rent, or who have taken holdings from which others have been evicted; and, in order to injure their owners, there has been great cruelty to helpless and unoffending animals. A subject I do not like to talk about is the way in which the anger of men has been gratified by maiming and torturing dumb animals; but why do I refer to this? These men are not well taught—they have the teaching of centuries of wrong to guide them, but there are gentlemen going among them who have been well taught, and who know well what to tell these men; and I feel it my duty to say that I have looked in vain—and, because in vain, with deep regret—to the speeches of those gentlemen who have addressed these people for any

denunciation of these outrages, and for any word informing their hearers that, however unjust they may think the law to be, yet that there are duties owing to their fellow-men, and even to beasts. I find myself confronted now with what I said on this matter when I was not in Office; but I do not see the slightest reason to charge me with having changed my views or action. I said then what I say now—that the law must be maintained—that individual outrages against law ought to be denounced by the friends of those who suffer from what they consider to be bad laws, not merely because of the highest interests of justice, but because of the interest of those men themselves; but I also said that the House of Commons and Parliament ought to consider with the utmost fairness and impartiality any measure brought forward for a change in the law. Well, the hon. Member for Mayo (Mr. O'Connor Power) has brought forward an amendment of the law, involving a considerable change in the Land Act. It is, to some extent, an improvement, but it goes much further than we think it ought to go, and, to a great extent, it is not an improvement; and we think it our duty to oppose it. I have seen it stated in many places that we ought not to have considered that Bill for one moment, because it was brought forward by the hon. Member and those who act with him. We do not think so. We are not responsible for the hon. Member and his Friends—we should be sorry to be so; but we cannot forget that they are Members of Parliament representing these very districts that are distressed, and we are bound to hear them and give the fullest consideration to what they say. We are bound to take into account the fact that an amendment of the Land Act has been proposed by an hon. Member from one of the districts that are suffering most at the present time. But it is said we ought at once to have declared that we were opposed to the principles of the Bill, instead of waiting for it to be discussed. So we should if, as some suppose, it had been a Bill for simply enacting that there should be compensation in all cases of ejectment for non-payment of rent. But the Bill did not do this; it referred to the Land Act, and thereby brought in incidentally the discretion given to the Judge, and we were, therefore, bound to con-

sider how far it brought it in. We have considered the hon. Member for Mayo's Bill, and we oppose it, because it is misleading, and would give tenants the idea that they would get more than they could really obtain; and we also oppose it because we think this is not the time for permanent legislation. We adhere to the opinion which, as the organ of the Government, I expressed earlier in the Session. We do not think this is a year for permanent legislation on the subject of the Land Act. But we accompany this temporary Bill with the declaration that we propose the appointment of a Commission to inquire into the working of the Land Act, and we hope to get a Report from this Commission as speedily as the proper prosecution of their inquiry will make possible. In bringing forward this Bill, I wish the House to understand that it is done to meet what we consider urgent distress in certain districts during the present and, perhaps, the succeeding year. But it will leave the House perfectly free and uncommitted; so that whatever may be the result of these inquiries, and whatever may be the opinions of the House or the Government with regard to them, the House and the Government will be perfectly free to take whatever course they may think fit. It may be that, as the result of this inquiry, the House may return to or rather establish perfect freedom of contract between the buyer and the seller—between the landlord and the tenant. I myself do not expect this; I doubt whether we shall find that both parties are absolutely free. The House may declare that a landlord is able to do what he likes with his land, just as he may do what he likes with his money in the Funds—that is, it may repeal the present Land Act. I do not expect that. Or the House may declare that, putting aside the present exceptional circumstances, it is best not to interfere with the Land Act. Or, lastly, the House may favourably consider the extension of the Ulster Tenant right, or some one of the other changes proposed. But, however that may be, the House is left absolutely uncommitted. Do not let anyone think that he is giving his vote for or against anything except a proposal to meet present circumstances. As to its effects, it will, to my mind, improve the position of the reasonable landlord, insuring, as

it does, the carrying out of just terms between landlord and tenant. I do not believe it will even put the unreasonable landlord in a much worse position than he is. Policemen cannot by any means insure that a process shall be served. Whether by the collusion of the process-servers, or from some other cause, it is very difficult, in present circumstances, to get the law carried out. Is it likely, then, that the landlord who has to suffer from difficulties of that kind, will suffer from the operation of the Bill? There is great distress in Donegal, but we have had no difficulty. Donegal is almost entirely under Ulster Tenant right, and in Donegal no necessity exists for sending small armies with the process-servers. Why is this? Because there is some possible compensation; because the Donegal tenant has some hope of his rights receiving due attention. Instead of endangering property, this makes it more safe, and thus the strain of this year is borne. With regard to the discretionary power to be given to the County Court Judges, I am, on the whole, perfectly surprised to find how little complaint there has been made—in a country where complaints are not uncommon—against the action of the County Court Judges. I now ask hon. Members who criticize adversely the provisions of this Bill to put themselves in the position of the Lord Lieutenant and myself. We have to conduct the government of Ireland, and we must take the responsibility. We find distress not only existing, but acknowledged—not only by the previous Government, but by the recent Act of the last Parliament—and claiming most urgently our consideration. We find, at the same time, that with this distress there are many evictions, and that they are increasing. We feel bound to carry out the law, and enforce these evictions with any exercise of force however severely they may press upon this distressed people. So long as I remain where I am, and that law exists, it will be my hard duty to enforce it, because nothing can work so much harm in Ireland as to allow the law to be disobeyed or disregarded. At any exercise of force we must enforce the law. And mark what I am going to say—let the House realize our responsibility, in order that they may realize its own. We must enforce the law, even at the cost of life. On the other hand, we find a feel-

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ing of injustice; and, looking at the Land Act, we believe, that under the circumstances of this year, its spirit can only be carried out by such a modification in its letter as we are now proposing. We make this proposal, guarded in such a manner that it cannot, as we believe we can prove, work injustice to the reasonable landlord, and will hardly leave the unreasonable landlord in a worse position than he is in if he tries to strain the law; and we make this proposal so that it does not commit the House, but leaves it perfectly free to deal with the subject when it gets before it all the facts, and, we may trust, without the exceptional and painful circumstances of this year. On our part, we are forced to declare that the responsibility of not permitting this temporary and, as we conceive, this necessary modification of the law must rest upon Parliament, and not upon us. For my own part, I feel confident that the House of Commons will not take upon itself that responsibility. The right hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. W. E. Forster.*)

MR. CHAPLIN: Sir, the right hon. Gentleman, in the closing sentences of his speech, appealed to the House for sympathy in the position in which he finds the Government is placed. I think the Government indeed require, if they do not deserve, that sympathy; and on every personal ground I can assure the right hon. Gentleman that he has mine with great sincerity. But, politically speaking, and with regard to the course which the Government has pursued, there is, I regret to tell him, absolutely none. I think that the course pursued from first to last by the Government, with regard to this measure, is, perhaps, the chief and the greatest blunder of a Session which consists, I am afraid, of little else than blunders. The right hon. Gentleman tells us of the distress in Ireland. I will not yield to him for one moment in my sympathy for the distressed people in that country. There is something, I always think, in the qualities, the history, and the race of the people of that country which appeals to the imagination and which touches the hearts of their fellow-countrymen

in England. But the duty of the Government is clear. It is no kindness that you do them, but the most cruel injury, when, by propositions of this kind, you fire their quick and sensitive imaginations, and excite in their minds feelings, hopes, and delusive expectations which the Government know, as well as I know, it is impossible can ever be fulfilled. The duty of the Government at this time is clear. They have to relieve distress in Ireland. Let them do it with a liberal and, if necessary, with a lavish hand. Let them come, if necessary, to Parliament again and again, and Parliament, I know, will give ungrudgingly whatever is needed for the wants of the people of that country. Let them also do that which is the first duty of every Government in the world—let them enforce law and order in a manner which cannot be mistaken, and let them give security for life, for peace, and for property in Ireland. Is there that security to-day? It is for the Government to make answer to that question; and if there is not, then I tell them that great is the responsibility which rests upon them at this moment. Both sides of the House will acknowledge the importance of the statement which has just been made by the right hon. Gentleman. It is a statement in reference to a measure of which I shall say this—and my views are not shaken in the least by the sanguine anticipations or assurances of the right hon. Gentleman—that it touches, and, indeed, assails, the rights of property in Ireland directly, and indirectly the rights of property throughout the whole of the United Kingdom. It is one which departs entirely from every principle of legislation which has hitherto been sanctioned and admitted in civilized society in the country and in the age in which we live. [*Murmurs.*] If hon. Members opposite do not agree with my opinion they will have an opportunity of answering me afterwards; but I hope I may be allowed to conclude my observations. Under these circumstances, I confess it would have been more satisfactory to the House, and certainly to myself, if, following the more usual and ordinary practice in regard to questions of this great and vital importance, this statement had been made on the first introduction of the measure. The right hon. Gentleman has given us no reason for departing from that course, and, con-

sequently, there is no other course open to us to-day except to bow to that decision with the protest which I make. The House will recollect that the introduction of this measure is a new and a complete departure from the views announced by the Government earlier in the Session. The right hon. Gentleman not only told us he did not intend to introduce an Irish Land Bill or to deal with the Irish Land Question during the present Session; but he gave us most admirable and convincing reasons in support of that wise decision on the part of the Government. He told us that the Land Question was one with which it is exceedingly difficult to deal in a comprehensive manner, and that, therefore, it would be impossible to deal with it in the remainder of the Session. The right hon. Gentleman said that to introduce a Ten Minutes' Bill would be, in his opinion, an unwise course to adopt, though it seems to be that that is almost exactly what he has now done. He said that if such a Bill as the *ad interim* Bill proposed by an hon. Member from Ireland had been introduced by the Government, that every branch of the questions connected with Irish Land would have to be thoroughly discussed. The right hon. Gentleman further said that the Irish Land Question was just one of those questions with which it was impossible to deal without a general knowledge of principles and a full knowledge of details, and that if any mistake were made as to the actual condition of the country, the whole matter might be thrown into a state of confusion that would probably do infinitely more harm than good; and he showed conclusively to the House that the Government did not possess this information, for almost immediately afterwards he intimated to the House the intention of the Government to appoint a Royal Commission for the express purpose of obtaining that information in which he acknowledged that the Government were deficient. Under these circumstances, I have listened with the utmost interest to the right hon. Gentleman to-day, in order to learn what are the reasons which have brought about this change of policy on the part of the Government, and which have induced them, almost at a moment's notice, to submit to Parliament a measure of this most extreme and most alarming character. First, the right hon. Gentleman tells us that

the Government were mainly induced to introduce the Bill on account of the evictions. I asked at once, across the House, how far have the number of evictions increased since the commencement of the Session? That question the right hon. Gentleman was unable to answer. So it is established to the House that the increasing number of evictions form no reason whatever for this change of policy on their part. They knew at the commencement of the Session, when they decided not to introduce the measure as well as they know now, that evictions were increasing; and they are unable to say now if there has been any further increase since their first intention was announced. With regard, also, to evictions increasing in Ireland, that is one of my chief causes of complaint against this Bill. Why, it is the anticipation of these revolutionary proposals on your part that is driving the landlords of Ireland, in self-defence, to make these evictions, and to rescue their property from what they believe will be complete annihilation. If the evictions have influenced you at all, they are, in considerable measure, owing to yourselves. The right hon. Gentleman went on to say he had no intention of surprising us, and of springing upon us anything in the nature of a surprise. I entirely acquit the right hon. Gentleman of that intention. Then, he said, unless I misunderstood him, that this measure was necessary, because, otherwise, he was convinced that Ireland must be governed by martial law. Why, what a commentary this is on the policy which was pursued 10 years ago. Next, the right hon. Gentleman went on to speak of Clause 9, and he endeavoured to show to the House that the principle contained in this Bill was contained in Clause 9 of the Land Act of 1870. It is all very well to say that; but, unless I am entirely mistaken, the right hon. Gentleman himself is very considerably in error. Clause 9 of the Land Act referred exclusively to tenancies in the past. When that clause was being discussed, the present Prime Minister said—"Nothing would induce them to apply anything of the kind to the future." And Lord Carlingford (then Mr. Chichester Fortescue) remarked—

"The clause had no reference whatever to tenancies created after the passing of the Act. It was entirely confined to the past."

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Therefore, this argument of the right hon. Gentleman fell to the ground. Then the right hon. Gentleman pointed to the Ulster custom, by which the tenant gets his compensation, and, no doubt, he does get compensation. But there is an important distinction between tenants under the custom in Ulster and in other parts of Ireland. Under the Ulster custom, he buys his right when he comes in, and is paid for it when he goes out; while in other parts of the country, he would, under the Land Act, have a claim for compensation for disturbance, whether he had purchased the goodwill on entry or not. This is the distinction between the two cases; and the argument with regard to the Ulster custom, therefore, falls to the ground. Again, though I have listened to the right hon. Gentleman with great attention, I can find nothing in his speech to account for the sudden change of policy on the part of the Government, or to remove in the least the objection I have to the nature and character of this measure. What is the effect of the Bill? The right hon. Gentleman has told the House this afternoon that I hold, and have always held, that the principle of compensation for disturbance was the worst and most vicious feature in the Irish Land Act. I acknowledge and entirely adhere to that opinion. The right hon. Gentleman has given us his version of the meaning of compensation for disturbance. Now, there must be many hon. Members in the House who do not remember the discussions on that principle when the Bill of 1870 was being passed; and as some of them, probably, do not realize the true purport and meaning of the principle, perhaps I may be permitted to give my version of it also. I am not speaking now of compensation for improvements, of what would be called tenant right in England, in the direction of which few men would probably be disposed to go further than myself. Compensation for improvements is one thing, compensation for disturbance is another. The improvements which a tenant makes on a farm are provided for elsewhere, in the 4th clause of the Land Act, largely and liberally, as they ought to be, and especially in the case of Ireland, where, owing to the immense competition for land, the tenant is in a worse position to make a fair bargain with his landlord

than in England. But over and above his compensation for improvements, and after he has been repaid for everything which he has spent upon his farm, the tenant is entitled in Ireland, under the 3rd clause, to a further claim besides, to what is called "compensation for disturbance," a principle by which the right hon. Gentleman who introduced the Land Act of 1870 apparently desired to give to the tenant a proprietary interest in the soil, and did, in fact, entitle him to levy on the landlord a fine, amounting in some cases to seven years' rent, or one-third of the value of the fee simple of the land. It is to that principle, to which I objected from the first that it was indefensible and inexpedient, that I renew my objections more strongly than before, after 10 years' experience of its actual operation. Let me point out to the House a few of the extravagances to which some of the principles of the Bill may lead. I need not remind hon. Gentlemen that the position of the occupier of the soil in Ireland is one very eagerly sought after, and that the privilege of holding a farm is very highly prized. But we must remember that it is the landlord who first confers this privilege upon the tenant; and it seems to me absolutely monstrous to make a landlord compensate a tenant for the loss or rather the non-continuance of a privilege which in the first instance emanated from himself. You might as well—or, perhaps, even with more justice—compensate a man for the refusal of a farm in the first instance, and with this additional good reason—that while in the first case he has enjoyed the profits of the farm for years, in the latter he would have no chance of making any profits at all. This is the first absurdity to which we are logically driven by the principle of compensation for disturbance. I may venture to quote the opinion of a very high authority on the subject. Judge Longfield says with reference to this measure—

"The landlord under the Bill may be called upon to pay seven years' purchase for taking back from the tenant a possession which he had delivered to the same tenant without receiving anything."

Then he goes on to say—

"He is liable to be called on to pay £70, the whole rent that he had received; and the tenant, who need not have laid out a penny on the land, will have had the enjoyment of it for seven years rent free."

Again, take the case of a tenant holding a farm at £10 a-year for three years, at the end of which time, after he has paid £30, he is evicted. On eviction he immediately claims £70—that is to say, he holds his farm for three years for nothing, and finally receives a bonus of £40 for doing so. What I have stated justifies in some degree my hostility to the principle of compensation for disturbance. I must, however, admit that the Land Act of 1870 had one redeeming feature, that the principle of compensation for disturbance was not extended to cover the case of tenants who were evicted for non-payment of rent. That exception is now to be swept away by a dangerous and alarming piece of legislation. I should like to describe in a few words the chief effects of the measure on property in Ireland by reading a statement sent to me this morning:—

“The main result of the Bill, if passed into an Act, will be to foster the notion so sedulously promulgated by agitators in Ireland, that every man who, by any undertaking or promise, has induced another to put him into possession of lands becomes thereupon endowed with a right to retain that possession, though he may violate the promises by which it was procured. It gives public recognition to the principle that there is nothing dishonest, nothing of which a Member of Parliament need be ashamed, in taking from one party to a contract a substantial portion of his property, unless he will allow the other to violate his side of it with impunity. During the period named for the operation of the Act, it is plain that in those parts of Ireland to which the Bill refers no ejectment can be brought for non-payment of rent, or any other cause, unless at the risk of a heavy loss on the part of the landlord. In Ireland, ejectment is the only remedy in the vast majority of cases for the recovery of land, the rent of which is now deliberately and in concert withheld by many tenants perfectly able to pay. To this combination, notorious and boasted of, it is proposed to give a triumph by Act of Parliament. Nearly all landowners have charges on their property which can only be met out of rents as they are received. Jointures, younger children, mortgagees, must all, under the proposed legislation, be left without their incomes until they shall have succeeded in forcing the depreciated estate of the involuntary defaulting landowner to judicial sale at a sacrifice ruinous to him and perhaps to themselves.”

That reminds me that the right hon. Gentleman has omitted to answer in his speech a question put to him with regard to the effect of the measure on mortgages, and I hope he will give us some explanations on this point. I know on good authority of a case in which £15,000 was to be raised by mortgage on a certain estate in Ireland, and

the solicitor for the mortgagee immediately drew back on the announcement of the Bill, and on finding that the estate in question was within the scheduled districts. In such circumstances as these we are entitled to have some explanation of the course which the Government may intend to pursue in dealing with cases of this kind. Viewing the measure as a whole, I regard it as unwise, impolitic, and unjust. It is not in this way that you will restore peace and prosperity to Ireland. Where, I should like to know, is the distinction between the Bill of the Government and that of the hon. Member for Mayo (Mr. O'Connor Power), to which the right hon. Gentleman has referred, and to which the Government have tardily announced their opposition? The principle of the two Bills is the same; and, except for the limit of time, the schedules of districts, and the discretion of the Courts, there is no difference between them whatever. The hon. Member for South Northumberland (Mr. Grey) who moved the Address in reply to the most gracious Speech from the Throne with an eloquence and ability which commanded, and justly commanded, for him compliments from the Leaders on both sides of the House, and who, I believe, inherits with the name the power and qualities of a statesman by descent, gave public Notice of his intention to ask the House of Commons to reject the measure proposed by the right hon. Gentleman. I cannot doubt that I shall have the support and assistance of the hon. Member on this occasion, and I will not, I cannot, believe that he will stand alone upon that side of the House. I would ask hon. Gentlemen opposite, I would appeal to them to take warning for the future from that which has happened in the past. Let them look at the condition of Ireland to-day, and as they look let them remember that 10 years ago the same man who is Prime Minister at this moment was Prime Minister then, and that he had his way and had his will almost unchecked in Ireland. The results of this fatal and reckless policy were prophesied at that time, prophesied in the words of one whose voice must, and ever will, command the attention and respect of Parliament, and with reading them I will conclude:—

“There will be an ew grievance—the payment of rent: and the non-payment of rent will be-

Mr. Chaplin

come a principle, asserted by the same rural logic, the startling consequences of which have filled the mind of the country with apprehension and horror almost every day. The argument of the Irish tenant—belonging to the very class that you think you are now setting up by this violation of the fundamental law of the country—will be to this effect:—‘I have lost my holding because I did not pay my rent; can anything be more flagrantly unjust than that a man should be deprived of his contingent right to a third of the freehold because he does not pay his rent?’ That is a natural view which may lead to a much more successful agitation than any we have yet heard of. The question is unanswerable; we may think it is abstractedly unreasonable, but it is the necessary result of our legislation. And what will be the consequence? Why, that payment of rent will become a grievance, and you will find yourselves in exactly the same position in which you are now placed. There will be great complaints of the consolidation of farms, great complaints of vexatious and tyrannical evictions, and, on the other, side the most violent means by which the supposed rights of the occupiers to property in the soil may be vindicated will be resorted to. And so far from the improvement of the country, so far from terminating all these misunderstandings and heartburnings, which we seem now so anxious upon both sides of the House to bring to a close,”—

[*Murmurs.*] I have no doubt it is objectionable to Irish Members. [“No!”]

—“you will have the same controversies still raging, only with increased acerbity, and under circumstances and conditions which inevitably must lead to increased bitterness and increased perils to society.”—[3 *Hansard*, cc. 1184-5.]

This is no prophecy by one who is wise only after the event. These words were spoken, Mr. Speaker, upwards of 10 years ago, by a Member of this House, when the foresight of a statesman told him what must be the inevitable results of the reckless policy of the right hon. Gentleman. His name was Mr. Disraeli. His words, his language are literally fulfilled in the transactions of this hour. Comment upon my part would be utterly superfluous. I ask the House of Commons—I ask hon. Members on both sides to support me when I move, as I do now, the rejection of this most ill-timed, most ill-advised, and most unrighteous measure.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Mr. Chaplin.*)

Question proposed, “That the word ‘now’ stand part of the Question.”

MR. CHARLES RUSSELL, in supporting the Bill, said, he hoped when the

hon. Member for Mid Lincolnshire had made himself more completely master of the circumstances in Ireland which called for that legislation—which had justified that legislation—he would find the Bill more acceptable than he had done that day. He was very glad, however, to find English Members entertained themselves with the consideration of Irish questions, because the more they were entertained the more they would see the justice of the views of the people of Ireland. He had no doubt that the hon. Gentleman who had just spoken would be prepared in a spirit of sincere generosity to deal with the funds of the Imperial Exchequer for the relief of Irish distress; but there he seemed to stop. This Bill, however, proposed to do something—although by a temporary measure—to redress the state of things which had led to the present condition of Ireland. The hon. Member had told an interesting story of a mortgage for £15,000, which was very near completion, but which, owing to the introduction of this Bill, fell through, the landlord being unable to effect a loan. If the views of the parties to that commercial transaction were based on the opinions entertained by the hon. Gentleman as to the extravagant character of the present Bill, he could well understand that the transaction should have fallen through. But it would probably be found that the result of this debate, and especially of the speech of the Chief Secretary, would be that the transaction would be carried out. He recognized the perfect consistency of the hon. Gentleman in his opposition to this Bill, seeing that he was an opponent of the legislation of 1870. Those who, like the hon. Gentleman, had set themselves against the legislation of 1870, were justified in taking the course which he had taken. But hon. Gentlemen on both sides who were willing to accept the legislation of 1870 would not be led away by the arguments of the hon. Member. This was a Bill which was not only limited in time, but limited in area; it was in harmony with the Bill of 1870, and was justified by the exceptional circumstances of the present time. Its object was to restrain ejectments for non-payment of rent in Ireland in a limited area and for a limited time under certain stringent conditions. And here he would mention what was not gene-

rally known, that no such thing as ejectment for non-payment of rent merely was known to the Common Law or to the Statute Law of England. He wished to accentuate that point. But if by the terms of the compact between landlord and tenant there was a clause of re-entry, then upon failure by the tenant to observe the covenants, among others payment of rent, the landlord had the right of ejectment. It followed, therefore, that in every case of letting which did not comprise this clause of re-entry, the landlord's remedy was to terminate the tenancy by notice. Now he wished to point out the peculiar hardship which this power of ejectment entailed in Ireland, and how injuriously it operated. Even on the best managed estates in Ireland it was usual to leave a half-year's rent in arrear, which was called "a running gale." On well-managed estates, where the tenants paid their rents with some punctuality, it was not considered unreasonable that the rent which was due in May should be paid the following Christmas. Now let them mark the operation of the exceptional law in Ireland as to ejectments. Let them suppose that by the 1st of May following the tenant was unable to pay his rent. He would then be a year's rent in arrear, and by the law of Ireland—which was not the law of England—the tenant could be turned out of his holding by the landlord without any notice to quit whatever, and the only means by which he could live could be taken from him without any compensation. In similar cases in England the landlord must give a year's notice to quit ending with the year of tenancy. Was it surprising that a man who was turned out of his farm in Ireland under such circumstances should leave it with a sense of oppression and wrong rankling in his breast? He had lived there, it might be for years; he had spent such means as he had upon it; he had spent the power of his body upon it, and his children had laboured, sweated upon it to improve it, and yet, according to the law, he might be turned out, as he had said, without any notice to quit, and under the law, as it now stood, without one penny of compensation except in one case, to which he should presently refer. He knew it would be said—"Oh, but landlords of honour and character would not do

such things." He believed not; but laws were and ought to be made to restrain the doing of that which honourable men would voluntarily abstain from doing. For his part, he desired not to say one word which would seem to savour of an attack upon the landlords of Ireland. He attacked the land system. He had said frequently, looking at the enormous power which the law gave to the owners of the land in Ireland, the wonder was not that that power had been used so much, but that it had been abused so little. The hon. Member for Mid Lincolnshire had said that he did not understand what the 3rd section of the Act of 1870 meant; what it was intended to recognize and give compensation for. He would endeavour to give an answer to that question. First of all he must remind the House that they were dealing, as a general rule, with a relation very unlike the common relation between landlord and tenant in England; but they were dealing in Ireland with a relation in which the landlords supplied nothing but the staple commodity of the industry—namely, the land; and the tenants supplied all else that was necessary to work the land. He did not stop to notice the rather curious language of the hon. Member when he spoke of the origin of this relation as the conferring of the privilege by the landlord upon the tenant. Where was his rent to come from unless it be out of the bone and sinew of the tenant? The landlord also conferred upon the tenant the privilege of paying a full rent! To his mind such language as that which had been used by the hon. Member smacked much too strongly of the old feudal days, when the landlord was the lord of all, and treated the men who dwelt upon the land very little better, in his estimation of property at least, than the cattle which grazed upon the farm. But these days were happily gone, and the result of the state of things to which he had referred was to bring about an exceptional and a complex relation between landlord and tenant in Ireland, which might not be inaptly described as a partnership. From that relation had grown up to be recognized by the moral sense of mankind a right of the tenant in its intrinsic nature—in the first foundation upon which it rested as truly property as the fee simple of the landlord itself. He need not point out that that was an interest which

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the law had recognized, though tardily. Nor need he detain the House by pointing out a somewhat analogous case in this country, where rights beginning on such slender foundations as these had grown to be the real acquisition of property in land. What was the history of the law of copyhold in England originally? The lord of the manor allowed his men, who were the copyholders and servants, to dwell on the land; they were strictly what the law called tenants at the will of the landlord, whatever their early *status* had been; but owing to the fact of the moral claim which, in consequence of their occupancy and their labour, these tenants acquired in process of time, and under the healthy and fostering influence of a strong public opinion, which, he regretted to say, was wanting, to a great extent, in Ireland, they came to be recognized until the copyhold right was now little inferior to the fee simple right. Nay, that copyhold tenure supplied another feature which threw some light on the present discussion. The lords of those days said — “Oh, although we must recognize this customary continuance of occupation, we have one means of asserting our rights. When you, the tenants, who are now in possession of my land, die, the person who has to succeed you must come to me for admission, and I will bar the door against him, and assert my right by imposing a fine for admission.” And the lords of the manor imposed those fines. How were they restrained? By the intelligent action of the Courts of the country, backed up by public opinion, which imposed upon the landlords in that case the stipulation that the fine should be a reasonable one. In the case of Ireland the right of the tenant was tardily recognized by the Act of 1870, which he recognized as the great act of a great statesman; because although he was not going to say that that Act was not defective, yet when he recalled the powers which were arrayed against it, and the high assertion of feudal rights which even that day had found utterance in the speech of the hon. Member for Mid Lincolnshire, he said that too much credit could not be given, not merely to the wisdom, but to the resolution of the statesman who successfully carried that legislation. The Act of 1870 recognized the right on the part of the tenant to compensation for im-

provements and also for disturbance, that disturbance being the deprivation by the landlord of the tenant right, or goodwill which the man acquired in his holding. But it had two defects. First of all, it did not in any degree meet the case of land which held to-day at its fair value fell in value, and next it suffered no claim for compensation to be considered by the Court, except where rent was exorbitant. Under the operation of the Act as it stood at present the landlord could push up his rent shilling by shilling until it had reached the point just short of this exorbitant limit; and the tenant failing then to pay could be turned out without one penny of compensation. He said that was not just; but he had a still greater objection to make. Section 3 unquestionably recognized the property of the tenant in respect of something for which he was to be compensated if he was disturbed in it, but measured the extent of compensation which he was to get in an extreme case by seven years' rent where the rent did not exceed £10. What he wanted to point out was this—If that right, which he called the goodwill of the tenant, was legalized and recognized as a right of property in the tenant, why, for one year's non-payment of rent, was he to have confiscated what might be the six or seven years' value of his interest? Under the Ulster tenant right, a tenant in arrear of his rent for one or two years had a right to sell his tenant right interest; and if he sold it for many years' purchase, all that the landlord got was his arrears of his rent, the tenant receiving the balance. Now, one other reason in favour of this Bill, which he thought was a small one, although he gratefully recognized the spirit which had prompted its introduction, was that it would undoubtedly bring the law, to some extent, into harmony as affecting land over the whole of Ireland. The difference between Section 9 of the Act of 1870 and this Bill was the smallest in the world. The former Act provided that the tenant might get compensation if the Court held that he was ejected for non-payment of a rent that was exorbitant; the present Bill allowed compensation if the Court found that he was unable to pay the rent in consequence of the prevailing distress, and that he was willing to remain on just terms, but that those terms were unreason-

ably refused. The difference between exorbitant rent and unreasonable terms was not such as to justify the extravagant language which had been used of this Bill. It was designed to meet a state of things which could hardly be realized in England. It was said that the effect of the measure would be to give an additional inducement to tenants in Ireland not to pay their rent. He wholly disbelieved that statement; and, speaking from a somewhat extensive experience, he could say that the cases were few in which tenants really able to pay their rent did not do so. The reason was obvious. They dared not run the risk of subjecting themselves to ejectment, not having any other avenue of industry open to the them. Deprived of their land, they were thrown upon the world. There were not in Ireland, as in this country, those large industries which made the land for agricultural purposes almost a secondary want. He desired to say nothing which would offend any hon. Member, or rake up any bygone memories needlessly, but retrospect was sometimes necessary; and it was not unimportant for the House of Commons to bear in mind that the past legislation of the Imperial Parliament, in stifling and putting down all such industries as were growing up in Ireland, had thrown the people upon the land as their sole means of subsistence, and for the exercise of their industry. Though that legislation no longer existed its effects did. After all, centuries in the life of a nation were but as years in the life of man. If exceptional circumstances were needed, they surely existed to justify this Bill. Famine almost stalking the country, and people still flying in their hundreds and thousands—a fact of great import addressed to a people so peculiarly attached to the place of their birth—or receiving, as they had been told, something like a pauper's dole at the hand of charity. So strong, too, is the feeling of the country as to this Land Question, that the *posse comitatus* of the Sheriff, a small army, as the right hon. Gentleman rightly termed it, were necessary to execute an ejectment process. Surely this was a state of things which called for the best efforts that Parliament could make for redressing existing grievances. Let the House recollect the responsibility that rested upon this coun-

try. The Imperial Parliament had now for many centuries charged itself with the destinies of Ireland. It was its duty to legislate for the just needs of that country; and if it now failed to do so it supplied the motive and reason for "the Third Party" in that House which many hon. Members deplored. Was not the state of things in Ireland a reproach to hon. Members representing English and Scotch constituencies—a state of things which, at one time, was said to be accounted for upon theories, forsooth, of race and of religion. But, happily, these theories had been exploded; and finally they came back to the question that the state of things in Ireland, the result of past legislation and of misrule, called for, in this day, generous and exceptional treatment on this question of the land in Ireland. The philanthropic men alluded to by the right hon. Gentleman, who assisted to relieve the distress of 1846, tried to look beneath the surface, and to ascertain the cause of it; and they put it on record, as their deliberate opinion, that the state of the Land Law in Ireland was, in a great measure, accountable. That being recorded in 1846 and 1847, was it not a reproach to Parliament that until the present Prime Minister took the matter in hand in 1870 nothing really effective was done? The state of things which existed cramped industry, because it gave no motive for industry; it prevented that full development of the land which it ought to be the object of all just land legislation to promote; and it prevented improvements in the social life of the lower classes of the country. He knew cases in which men able to pay their rent pretended that it was by the greatest effort they were able to pay it, though they did pay it, that they were in great poverty, wore bad clothes, and had untidy houses. And why? Because they knew that the thrifty and industrious tenant who exhibited the appearance of prosperity and comfort, and improved his house and land, was at the mercy of the unscrupulous landlord. Whilst recognizing the importance of this measure of the Government as indicating an honest desire on their part to do what they could for the Irish tenant, he did not think it touched more than the extremest fringe of the question. He could not believe that in any

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ing of injustice; and, looking at the Land Act, we believe, that under the circumstances of this year, its spirit can only be carried out by such a modification in its letter as we are now proposing. We make this proposal, guarded in such a manner that it cannot, as we believe we can prove, work injustice to the reasonable landlord, and will hardly leave the unreasonable landlord in a worse position than he is in if he tries to strain the law; and we make this proposal so that it does not commit the House, but leaves it perfectly free to deal with the subject when it gets before it all the facts, and, we may trust, without the exceptional and painful circumstances of this year. On our part, we are forced to declare that the responsibility of not permitting this temporary and, as we conceive, this necessary modification of the law must rest upon Parliament, and not upon us. For my own part, I feel confident that the House of Commons will not take upon itself that responsibility. The right hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. W. E. Forster.*)

MR. CHAPLIN: Sir, the right hon. Gentleman, in the closing sentences of his speech, appealed to the House for sympathy in the position in which he finds the Government is placed. I think the Government indeed require, if they do not deserve, that sympathy; and on every personal ground I can assure the right hon. Gentleman that he has mine with great sincerity. But, politically speaking, and with regard to the course which the Government has pursued, there is, I regret to tell him, absolutely none. I think that the course pursued from first to last by the Government, with regard to this measure, is, perhaps, the chief and the greatest blunder of a Session which consists, I am afraid, of little else than blunders. The right hon. Gentleman tells us of the distress in Ireland. I will not yield to him for one moment in my sympathy for the distressed people in that country. There is something, I always think, in the qualities, the history, and the race of the people of that country which appeals to the imagination and which touches the hearts of their fellow-countrymen

in England. But the duty of the Government is clear. It is no kindness that you do them, but the most cruel injury, when, by propositions of this kind, you fire their quick and sensitive imaginations, and excite in their minds feelings, hopes, and delusive expectations which the Government know, as well as I know, it is impossible can ever be fulfilled. The duty of the Government at this time is clear. They have to relieve distress in Ireland. Let them do it with a liberal and, if necessary, with a lavish hand. Let them come, if necessary, to Parliament again and again, and Parliament, I know, will give ungrudgingly whatever is needed for the wants of the people of that country. Let them also do that which is the first duty of every Government in the world—let them enforce law and order in a manner which cannot be mistaken, and let them give security for life, for peace, and for property in Ireland. Is there that security to-day? It is for the Government to make answer to that question; and if there is not, then I tell them that great is the responsibility which rests upon them at this moment. Both sides of the House will acknowledge the importance of the statement which has just been made by the right hon. Gentleman. It is a statement in reference to a measure of which I shall say this—and my views are not shaken in the least by the sanguine anticipations or assurances of the right hon. Gentleman—that it touches, and, indeed, assails, the rights of property in Ireland directly, and indirectly the rights of property throughout the whole of the United Kingdom. It is one which departs entirely from every principle of legislation which has hitherto been sanctioned and admitted in civilized society in the country and in the age in which we live. [*Murmurs.*] If hon. Members opposite do not agree with my opinion they will have an opportunity of answering me afterwards; but I hope I may be allowed to conclude my observations. Under these circumstances, I confess it would have been more satisfactory to the House, and certainly to myself, if, following the more usual and ordinary practice in regard to questions of this great and vital importance, this statement had been made on the first introduction of the measure. The right hon. Gentleman has given us no reason for departing from that course, and, con-

proaching correctness—and he said it with no disrespect—the right hon. Gentleman did not seem to understand his own proposals. He produced a number of ejectments; but he was unable to say what proportion applied to the country and what to the towns; how many for non-payments, and how many for other causes. He adopted an average of five years previous to 1877, and then made the addition from year to year. Was it possible to ask the House to take action on such a statement? So far as he understood the contention of the right hon. Gentleman, it was that some ejectments were for non-payment of rent, and that this number had considerably increased lately. Well, of course, in a time of the prevalence of extraordinary distress, ejectments for non-payment would increase, as in England the same cause threw a large number of farms on the hands of the landlords. They could not expect a normal state of things under such exceptional circumstances. But he did note one thing, and that was that the increase in the number of ejectments for the last 18 months kept pace with and accompanied the unhappy and disastrous land agitation of that time. Was this remarkable when by orators, who had the ears of the people, the latter were told not to pay rent except as the last payment to be made? Every other claim was first to be settled. Could it be surprising, then, that landlords were obliged to take action now to a greater degree than at other times? It would have been more surprising had there not been this increase in the number of ejectments for non-payment. He knew also that simultaneously with this agitation agrarian outrage had blazed out with fearful intensity. He was glad to hear the right hon. Gentleman speaking with some degree of decision, in condemnation of the anti-rent agitation; but the conclusion he drew was rather a strange one. He spoke with warmth and justice of the agitation which had misled the people, and which was likely to mislead them further; but here in the Bill was practically the same principle and the same view put forth in the House as had been pressed in Ireland by the Land League. ["No, no!"] Certainly he understood the Bill lately introduced by the hon. Member for Mayo (Mr. O'Connor Power) was put forward by eminent members of the League. There-

fore, he said that the Bill practically gave a Government sanction to some, at least, of their strongest demands, for he was right in saying that the principle of the Government Bill and that of the hon. Member for Mayo (Mr. O'Connor Power) were the same. The Government sanctioned the strongest immediate demands of the League. He said the immediate demands, for what the ulterior effects might be he could not say. But as to the propriety of intrusting to some third person to settle what was or was not a reasonable rent, as to the propriety of interfering between landlord and tenant, simply on account of the prevailing distress, it did sanction and adopt the principles which had been put forward for months by the Land League. He would undertake now to prove that in principle the proposal was almost identical with that of the hon. Member for Mayo. If the Government had pleased they could have introduced, by way of amendment to the hon. Member's Bill, all the limitations which they had put into their own Bill. Without any departure from principle this might be done; and, as he understood, the hon. Member for Cork (Mr. Parnell) had intimated his intention of proposing Amendments to this Bill to make the two Bills similar. What was the principle of these two Bills? He quite admitted that in one sense they were framed on a principle the germ of which was found in the Land Act of 1870. As the House was well aware, in that Act very large provisions were made for the protection of the tenants at the expense of the landlords of Ireland. By the 3rd clause protection was given against eviction; by the 4th clause the value of improvements was secured; and by the 7th clause compensation was secured for goodwill paid by the incoming to the outgoing tenant. Not to go through all the clauses, it was alleged by the Prime Minister, on the second reading, that it did confer on the tenantry of Ireland such benefits and protection as were not enjoyed by the occupiers of the soil in England or Scotland, who were amongst the most favoured nations in this respect; but, though large concessions were made at the expense of the landlords, two principles were insisted upon as a kind of set-off against these concessions, and great credit was taken by the Prime Minister for the maintenance of those principles.

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Therefore, this argument of the right hon. Gentleman fell to the ground. Then the right hon. Gentleman pointed to the Ulster custom, by which the tenant gets his compensation, and, no doubt, he does get compensation. But there is an important distinction between tenants under the custom in Ulster and in other parts of Ireland. Under the Ulster custom, he buys his right when he comes in, and is paid for it when he goes out; while in other parts of the country, he would, under the Land Act, have a claim for compensation for disturbance, whether he had purchased the goodwill on entry or not. This is the distinction between the two cases; and the argument with regard to the Ulster custom, therefore, falls to the ground. Again, though I have listened to the right hon. Gentleman with great attention, I can find nothing in his speech to account for the sudden change of policy on the part of the Government, or to remove in the least the objection I have to the nature and character of this measure. What is the effect of the Bill? The right hon. Gentleman has told the House this afternoon that I hold, and have always held, that the principle of compensation for disturbance was the worst and most vicious feature in the Irish Land Act. I acknowledge and entirely adhere to that opinion. The right hon. Gentleman has given us his version of the meaning of compensation for disturbance. Now, there must be many hon. Members in the House who do not remember the discussions on that principle when the Bill of 1870 was being passed; and as some of them, probably, do not realize the true purport and meaning of the principle, perhaps I may be permitted to give my version of it also. I am not speaking now of compensation for improvements, of what would be called tenant right in England, in the direction of which few men would probably be disposed to go further than myself. Compensation for improvements is one thing, compensation for disturbance is another. The improvements which a tenant makes on a farm are provided for elsewhere, in the 4th clause of the Land Act, largely and liberally, as they ought to be, and especially in the case of Ireland, where, owing to the immense competition for land, the tenant is in a worse position to make a fair bargain with his landlord

than in England. But over and above his compensation for improvements, and after he has been repaid for everything which he has spent upon his farm, the tenant is entitled in Ireland, under the 3rd clause, to a further claim besides, to what is called "compensation for disturbance," a principle by which the right hon. Gentleman who introduced the Land Act of 1870 apparently desired to give to the tenant a proprietary interest in the soil, and did, in fact, entitle him to levy on the landlord a fine, amounting in some cases to seven years' rent, or one-third of the value of the fee simple of the land. It is to that principle, to which I objected from the first that it was indefensible and inexpedient, that I renew my objections more strongly than before, after 10 years' experience of its actual operation. Let me point out to the House a few of the extravagances to which some of the principles of the Bill may lead. I need not remind hon. Gentlemen that the position of the occupier of the soil in Ireland is one very eagerly sought after, and that the privilege of holding a farm is very highly prized. But we must remember that it is the landlord who first confers this privilege upon the tenant; and it seems to me absolutely monstrous to make a landlord compensate a tenant for the loss or rather the non-continuance of a privilege which in the first instance emanated from himself. You might as well—or, perhaps, even with more justice—compensate a man for the refusal of a farm in the first instance, and with this additional good reason—that while in the first case he has enjoyed the profits of the farm for years, in the latter he would have no chance of making any profits at all. This is the first absurdity to which we are logically driven by the principle of compensation for disturbance. I may venture to quote the opinion of a very high authority on the subject. Judge Longfield says with reference to this measure—

"The landlord under the Bill may be called upon to pay seven years' purchase for taking back from the tenant a possession which he had delivered to the same tenant without receiving anything."

Then he goes on to say—

"He is liable to be called on to pay £70, the whole rent that he had received; and the tenant, who need not have laid out a penny on the land, will have had the enjoyment of it for seven years rent free."

not been clearly stated; and he would like to know whether there were any restrictions so described as to cause reliance to be placed upon the course of action which should be taken. They certainly affected a considerable part of Ireland, inasmuch as the Bill applied to 13 counties, and to more than one-half of the whole country. Why should that distinction be drawn? The Schedule in which those districts were specified was drawn up for the purposes of the distress, and, no doubt, much distress had existed in some parts; but there were some parts mentioned in the Schedule which had been entirely free from distress, although surrounded by distressed districts; while, on the other hand, there were some parts not included in the Schedule which were as much in distress as those within the bounds of the Schedule. Now, he wished to know why a Schedule of that kind ought to be taken as a guide for a measure of the nature before the House, and should at all interfere with the bargain which had been made between two men by saying that the landlord's rent should not be obtained from a tenant? There was no ground upon which they would be able permanently to base such a capricious restriction. The measure provided that if an owner of land came within the Schedule, he came within the benefit of the Act; whereas those who owned land outside the Schedule did not come within the purposes of the measure. What justice was there in refusing the right to men outside, while they granted it to those inside? [Mr. PARNELL: Hear, hear!] The hon. Member for Cork thought there was injustice in such a result, and he could well understand such a conviction in his mind. Now, there was another restriction to which he wished to refer. The Bill was confined to two years, or to one year and a-half. But why should any such time be fixed upon? He had heard from some authorities on the other side of the House that the distress had already almost passed away. ["No, no!"] The right hon. Gentleman the Chief Secretary for Ireland had certainly stated the other night that in some parts the distress had been successfully grappled with, and that in other districts, though there was still suffering, there was hope of an abundant harvest, which it was believed would entirely remove it. ["No, no!"] But

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supposing they had one good year or two good years, followed by another wet autumn and a bad spring, were they going to continue this Bill? And if they were not, how could they rest firmly on such insecure restrictions as these? He had no faith in any limitation of time when once the right principle which should pervade the measure had been departed from. But the most extraordinary part of the Bill was probably that relating to the tenant's ability or inability to pay. If they wished to evade the payment of rent they should do it straightaway by a Bill like the one introduced by the hon. Member for County Mayo; but to throw upon the County Court Judge the onus of deciding in such a matter was an utterly impracticable and absurd proposal. He would have to ask the tenant—"Are you able to pay?" Well, the answer they would easily guess, for there were very few tenants in Ireland, or even in England at the present time, who did not experience more or less difficulty in meeting their payments. Then, how could the Chairman cross-examine the tenant as to his means, or the landlord contradict the statements which might be made by the tenant? It was important to remember that the Bill only referred to the landlord's debt, while there was nothing about the tradesman and the money-lender. The tenant might simply come forward and say that there had been a very bad year for the crops, that he was in the scheduled district, and that he had found it very difficult to get on; that he had had to take goods on credit and to get money from the money-lender. The law the Government wished to establish would then in principle lay down that the tenant must pay the tradesman and the money-lender, but not the landlord. Such distinctions introduced into the measure some of the worst principles put forward by the anti-rent agitators. The result would be exactly the same, and the discretion given to the Chairman and the County Court Judge would be perfectly useless. The Bill would keep an open door for the dishonest tenant; it would be a terrible temptation to the honest one; it provided that the duties to the landlords would be in quite a different category to the other creditors; it would prove bad teaching to the people of Ireland, and no need would exist for anyone to urge a tenant not to pay his rent. The right

come a principle, asserted by the same rural logic, the startling consequences of which have filled the mind of the country with apprehension and horror almost every day. The argument of the Irish tenant—belonging to the very class that you think you are now setting up by this violation of the fundamental law of the country—will be to this effect:—‘I have lost my holding because I did not pay my rent; can anything be more flagrantly unjust than that a man should be deprived of his contingent right to a third of the freehold because he does not pay his rent?’ That is a natural view which may lead to a much more successful agitation than any we have yet heard of. The question is unanswerable; we may think it is abstractedly unreasonable, but it is the necessary result of our legislation. And what will be the consequence? Why, that payment of rent will become a grievance, and you will find yourselves in exactly the same position in which you are now placed. There will be great complaints of the consolidation of farms, great complaints of vexatious and tyrannical evictions, and, on the other, side the most violent means by which the supposed rights of the occupiers to property in the soil may be vindicated will be resorted to. And so far from the improvement of the country, so far from terminating all these misunderstandings and heartburnings, which we seem now so anxious upon both sides of the House to bring to a close,”—

[*Murmurs.*] I have no doubt it is objectionable to Irish Members. [“No!”]

—“you will have the same controversies still raging, only with increased acerbity, and under circumstances and conditions which inevitably must lead to increased bitterness and increased perils to society.”—[3 *Hansard*, cc. 1184-5.]

This is no prophecy by one who is wise only after the event. These words were spoken, Mr. Speaker, upwards of 10 years ago, by a Member of this House, when the foresight of a statesman told him what must be the inevitable results of the reckless policy of the right hon. Gentleman. His name was Mr. Disraeli. His words, his language are literally fulfilled in the transactions of this hour. Comment upon my part would be utterly superfluous. I ask the House of Commons—I ask hon. Members on both sides to support me when I move, as I do now, the rejection of this most ill-timed, most ill-advised, and most unrighteous measure.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Mr. Chaplin.*)

Question proposed, “That the word ‘now’ stand part of the Question.”

MR. CHARLES RUSSELL, in supporting the Bill, said, he hoped when the

hon. Member for Mid Lincolnshire had made himself more completely master of the circumstances in Ireland which called for that legislation—which had justified that legislation—he would find the Bill more acceptable than he had done that day. He was very glad, however, to find English Members entertained themselves with the consideration of Irish questions, because the more they were entertained the more they would see the justice of the views of the people of Ireland. He had no doubt that the hon. Gentleman who had just spoken would be prepared in a spirit of sincere generosity to deal with the funds of the Imperial Exchequer for the relief of Irish distress; but there he seemed to stop. This Bill, however, proposed to do something—although by a temporary measure—to redress the state of things which had led to the present condition of Ireland. The hon. Member had told an interesting story of a mortgage for £15,000, which was very near completion, but which, owing to the introduction of this Bill, fell through, the landlord being unable to effect a loan. If the views of the parties to that commercial transaction were based on the opinions entertained by the hon. Gentleman as to the extravagant character of the present Bill, he could well understand that the transaction should have fallen through. But it would probably be found that the result of this debate, and especially of the speech of the Chief Secretary, would be that the transaction would be carried out. He recognized the perfect consistency of the hon. Gentleman in his opposition to this Bill, seeing that he was an opponent of the legislation of 1870. Those who, like the hon. Gentleman, had set themselves against the legislation of 1870, were justified in taking the course which he had taken. But hon. Gentlemen on both sides who were willing to accept the legislation of 1870 would not be led away by the arguments of the hon. Member. This was a Bill which was not only limited in time, but limited in area; it was in harmony with the Bill of 1870, and was justified by the exceptional circumstances of the present time. Its object was to restrain ejectments for non-payment of rent in Ireland in a limited area and for a limited time under certain stringent conditions. And here he would mention what was not gene-

of that House, on whichever side they sat, and however they voted, must regret that on all occasions whenever the words "landlord" and "tenant" were introduced in debate in that House they invariably acted as Shibboleths which resolved the House into two hostile camps, instead of being an inducement to the House to do all they could to promote the union, most intimate as it should be, of those who were so closely connected together in interest and relation. Whatever injured the landlord would re-act on the tenant, and whatever was injurious to the tenant would re-act on the landlord. He could not understand why the principle of the Bill had been denounced as inequitable, for it appeared to him to give perfectly equal justice both to landlords and to tenants. The principle of this Bill was the principle which was endeavoured to be introduced into the Land Act of 1870 in the interest of the landlord class. The principle of this Bill was that if a tenant in a limited area, for a limited time, and in exceptional circumstances, was willing to continue in occupation of his holding on just and reasonable terms, and if those terms were unreasonably refused by the landlord, then, and then only, did the scope of the Act come into operation for the protection of the tenant. Now, the 18th section of the Land Act of 1870 gave the Court power to deal with the equities both on the one side and the other, both of the landlord and tenant—

"If," said the Act of 1870, "it shall appear to the Court in any case in which compensation shall be claimed under Section 3 of this Act, that the landlord has been and is willing to permit the tenant to continue in the occupation of his holding upon just and reasonable terms, and that such terms have been and are unreasonably refused by the tenant, the claim of the tenant to such compensation shall be disallowed."

The application of that principle was the governing principle of the Bill before the House. Would not hon. Gentlemen opposite rebel with indignation the aspersion that they were not just and reasonable, and were not willing to act justly and reasonably? But then the Bill did not override any right they would desire to exercise. They would not be deprived by this Bill of the means of recovering their rent. The Bill had been denounced by hon. Members opposite, and by the hon. and

gallant Member for the County of Leitrim (Major O'Beirne), as a revolutionary measure, introduced to confiscate the property of the landlords. Now, with great respect, he could hardly think, if Gentlemen would look at the matter impartially and fairly, they would think that a fair or adequate description of the principle of the Bill. A great calamity had befallen a large part of Ireland. It might be described as pervading half Ireland—that was to say, if they drew a line down Ireland through Athlone, the districts to the west of that line were distressed. It was the object of the Bill to assist distressed parts of the country; and the principles of this Bill had, in fact, been sanctioned by the last Parliament and by the Conservative Government by the first Act, passed in 1880. That Act originated in a Motion by the hon. and gallant Member for Galway County (Major Nolan), who would, he supposed, be classed by his right hon. and learned Friend (Mr. Plunket) with those to whom he applied such strong language. The question, then, was, whether large tracts of Ireland were to be left uncultivated and waste, or should means be furnished in the interest of the community at large for their cultivation. The hon. and gallant Member for Galway County proposed that present relief should then be given by the distribution of seeds. No voice had then suggested that Parliament thus had confiscated the property of landlords or any property. That Bill was limited to the distressed districts, and was also limited in time. Did anyone ever say that that Act which Parliament thus sanctioned was intended to establish the principle that tenants thereafter were not to provide their own seeds, or rely on their own resources; and that, because assistance was given them when they had been scourged by the visitation of Providence, therefore they were not in future to exert their own powers? In distressed districts assistance had thus been given to the cultivators of the soil; but it yet remained temporarily to arrange satisfactorily the mutual and relative duties of the landlord and the tenant in distressed districts lest large tracts of land subjected to the visitation of Providence, which might have been uncultivated, should yet become waste and untenanted. Notwithstanding the energetic and denunciatory language of the

right hon. and learned Member for Dublin University (Mr. Plunket), he could hardly think the House would hesitate to agree to this Bill. Let them look at parts of the district to which the Act was intended to apply. He would take a district from Ulster, another from Connaught, and another from Munster; and he would ask, should not assistance be given to the men to whom this Bill would apply? They were men of small and struggling circumstances; but were they, therefore, to be refused the fair relief which this Bill would give? In the County Donegal, where tenant right prevailed, and where the action of the police, and the assistance of the military, was not required to protect and enforce the process of the law, there were 1,100,000 acres divided into 33,000 holdings. 17,000 of these holdings did not exceed £4 valuation, 8,000 exceeded £4, but did not exceed £8, valuation. Out of 33,000 holdings, therefore, nearly 25,000 did not exceed a valuation of £8. Now let the House come to the aid of those 25,000 holdings, which represented, in most instances, the head of a family with a wife and children. Then as to the County of Mayo. It contained 1,300,000 acres, divided into 36,000 holdings. Of these, 19,000 holdings did not exceed £4 valuation, while 10,400 exceeded £4, but did not exceed £8, valuation. Nearly the same figures would prevail in the County of Galway, where there was an acreage of over 1,000,000 divided into 38,000 holdings, of which 28,000 did not exceed £8 valuation. The facts in the County of Kerry were much the same. With those figures before it, would the House consider that in the present circumstances of exceptional distress the power which the law gave of recovering rent by ejectment was to be used for the indirect purpose of clearing the land of its occupiers? To prevent that, and for that purpose alone, this Bill was introduced. The hon. and learned Member for Dundalk (Mr. O. Russell) had sketched with great accuracy the growth of rent ejectment in Ireland, and had shown how in this great and prosperous country this power did not exist in the same degree as in Ireland. No one would object to the law being made use of for the legitimate purpose for which it was originally intended—namely, of recovering rent. It was not until 1860

that in the Civil Bill Courts in Ireland landlords were empowered to maintain ejectment for non-payment of rent in respect of yearly tenancies held without writing and merely by oral and verbal arrangement, and it was not until the year 1860 that similar jurisdiction was given to Superior Courts. These constituted the great bulk of yearly tenancies in Ireland. It was thus only for the purpose of enabling the landlord to recover his rent that this power of eviction was given, and it was never contemplated that it was to be used for the purpose of clearing the land of its inhabitants. But, after all, the landlord would retain all the same power to recover his rent. He might also, like any other creditor, bring his action for what was due; he could get a judgment of the Court, and by virtue of that judgment he could realize through a Sheriff's sale the property taken in execution. The interest in the holding, if any, might be sold; and if anything over and above the liabilities was realized the tenant might get it. Amongst other benefits of the Ulster custom, where it prevailed, the tenant was secured the right to sell his interest, if he did not wish to remain, or if he became unable to pay his rent and was ejected for non-payment of rent. If the House would compare the Bill with the Land Act, it would see that both were on the same lines. It was not introduced for any political purpose. It was honestly introduced to meet exceptional distress from failure of crops. It run in the same groove as the Seeds Act. Its principle was simply this—that where a tenant was unable to pay, and where his inability was caused by the distress which had arisen from the failure of crops, and he could satisfy the Court—which, be it well remembered, was not to be an arbitrary Court, but one which Parliament had set up for the purpose of the Land Act—that his propositions for the arrangement of his rent and its arrears and otherwise were just and reasonable, and that his landlord unreasonably rejected those fair overtures, then that he should be compensated for the disturbance. Was that a Bill which was a subversion of the rights of property? Hon. Gentlemen who were so generous to their own tenantry were, at this moment, doing what the Bill would force those in whom justice and generosity

had no place also to do. Was it to be that the bone and sinew of the country were to have no consideration after their recent bitter famine experiences? Stung with despair, they might be driven to emigrate to foreign lands. Would the House send them away with a feeling rankling in their hearts that the farms where they were born—where, perhaps, they had closed their parents' eyes in death—were not to be protected, and that they could not obtain the smallest consideration at the hands of the House of Commons of a United Kingdom. Would they not rather take from the hand of the agitator one of his most fatal weapons, and, at all events, show the people that that great Assembly was not afraid to be just?

MR. TOTTENHAM moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(Mr. Tottenham.)

MR. GLADSTONE said, that, considering the importance of the question, and the limited number of hon. Members who had had an opportunity of addressing the House upon it, he would consent to the adjournment of the debate until Tuesday at 2 o'clock.

MR. PARNELL thought it was much more likely to be brought to a close at an Evening Sitting than at a Morning Sitting.

MR. GLADSTONE said, the Government had already lost two Mondays, and he must ask them to go into Supply on Monday. It was absolutely necessary.

THE O'DONOGHUE remarked that Tuesday had been mentioned for the Bradlaugh affair, and it was a matter of Privilege.

MR. GLADSTONE replied, that they would see what happened; but they were in hopes that that would not be taken.

MR. GIBSON hoped that before the debate was resumed the Papers which had been quoted by the hon. and learned Gentleman the Solicitor General for Ireland would be laid upon the Table, in such a form as to distinguish evictions for non-payment of rent from other causes. He also hoped Returns would be given of ejectments in cities and towns. He trusted that the Chief Secretary would hurry on the printing of the Poor Law Returns which he mentioned the other day.

The Solicitor General for Ireland

MR. W. E. FORSTER was afraid it would be impossible to produce all these Returns within the time mentioned.

Motion agreed to.

Debate adjourned till Tuesday next, at Two of the clock.

SAVINGS BANKS BILL.—[BILL 188.]

(Mr. Gladstone, Mr. Fawcett, Lord Frederick Cavendish.)

SECOND READING. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [18th June], "That the Bill be now read a second time."

And which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "the extension of the limits of deposits in Savings Banks proposed in this Bill would result in so serious a discouragement of private enterprise that, in the opinion of this House, no such step should be taken without careful inquiry,"—(Mr. William Fowler,)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. BARING expressed a hope that the Prime Minister would not press the Bill, since many hon. Gentlemen who were interested in it had gone away under the impression that it would not come on.

MR. GLADSTONE said, the objections were only in regard to matters of detail, which could be perfectly well discussed in Committee. The debate was only adjourned on the last occasion in consequence of the interposition of one hon. Gentleman.

SIR ANDREW LUSK said, he hoped the right hon. Gentleman would not insist on reading the Bill a second time at present. He knew several Gentlemen who wished to speak on the subject.

MR. GLADSTONE, interposing, said, he had given Notice that he would take the second reading of the Bill the first opportunity he had.

SIR ANDREW LUSK said, that in that case he should talk it out. He did not think it was fair of the right hon. Gentleman to push the Bill so, and take advantage of the absence of hon. Gentlemen who took an interest in it.

Mr. GLADSTONE hoped the hon. Baronet would not use language of that kind. He was not taking advantage of anyone in their absence.

SIR ANDREW LUSK said, he begged pardon if he had said anything amiss, and would withdraw the expression.

It being ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

The House suspended its Sitting at five minutes before Seven of the clock.

The House resumed its Sitting at Nine of the clock.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CLOSING OF PUBLIC-HOUSES ON SUNDAY—RESOLUTION.

Mr. STEVENSON, in rising to move—

"That, in the opinion of this House, it is expedient that the Law which limits the hours of sale of intoxicating drinks on Sunday in England and Wales should be amended so as to apply to the whole of the day,"

said, that in bringing forward this important question he was greatly encouraged by the result of the discussion which took place only a week ago on the Motion of his hon. Friend the Member for Carlisle (Sir Wilfrid Lawson). He believed his hon. Friend would not think he was criticizing in a hostile spirit the Resolution which he introduced, if he submitted that the Resolution he (Mr. Stevenson) had to propose was one of a much simpler character, and attended, in many respects, with fewer difficulties, and ought, therefore, more readily to command the attention of the House. There was no doubt about "Sunday closing," though some hon. Members had expressed a doubt as to the meaning of "Local Option." There was no question of compensation connected with this Resolution. He was glad to think that no question of com-

pensation could possibly arise in connection with this Resolution, because, during the discussion of an analogous measure relating to Ireland, the question of compensation was considered and deliberately rejected as having no foundation. Nine-tenths of the population of Ireland were under the *régime* of Sunday closing, and the whole of Scotland between 20 and 30 years had been under a similar law. It appeared to be a great anomaly that the only trade to be carried on openly and generally on Sunday should be that of persons who, under the name of Licensed Victuallers, furnished anything rather than victuals, and little in the way of refreshments, to travellers. The contraction of the hours of sale on Sunday began in London. The Preamble to the Act of 1848 recited that provisions which had been in force in the Metropolitan Police district for some time had been attended with great benefits. A further contraction was made by the Act of the present Lord Winmarleigh, when Colonel Wilson Patten, which closed public-houses in the afternoon. It was a misunderstanding to suppose that there was any connection between that Act and the Hyde Park riots, for the Act had been in successful operation 10 months, and the riots were brought about by an attempt to limit Sunday trading in other articles in certain parts of London. Some publicans took advantage of the opportunity to direct the attention of Parliament to the subject, and in a panic the number of open hours was increased from seven to eight-and-half; but still afternoon closing was retained. In 1868, the last year of the £10 householder Parliament, Mr. Abel Smith brought in a Bill to reduce the hours and to alter the character of the sale from consumption on to consumption off the premises. It was said the last Session of that Parliament was chosen because the promoters of the measure dared not have proposed it in the reformed Parliament; but the real state of the case was just the other way, for in the reformed Parliament there was greater possibility of dealing with the subject than there was in that which represented the £10 householders. The new Parliament had the better means of knowing what the views of the constituencies were. He believed the great majority of the people desired Sunday closing. He believed

proaching correctness—and he said it with no disrespect—the right hon. Gentleman did not seem to understand his own proposals. He produced a number of ejectments; but he was unable to say what proportion applied to the country and what to the towns; how many for non-payments, and how many for other causes. He adopted an average of five years previous to 1877, and then made the addition from year to year. Was it possible to ask the House to take action on such a statement? So far as he understood the contention of the right hon. Gentleman, it was that some ejectments were for non-payment of rent, and that this number had considerably increased lately. Well, of course, in a time of the prevalence of extraordinary distress, ejectments for non-payment would increase, as in England the same cause threw a large number of farms on the hands of the landlords. They could not expect a normal state of things under such exceptional circumstances. But he did note one thing, and that was that the increase in the number of ejectments for the last 18 months kept pace with and accompanied the unhappy and disastrous land agitation of that time. Was this remarkable when by orators, who had the ears of the people, the latter were told not to pay rent except as the last payment to be made? Every other claim was first to be settled. Could it be surprising, then, that landlords were obliged to take action now to a greater degree than at other times? It would have been more surprising had there not been this increase in the number of ejectments for non-payment. He knew also that simultaneously with this agitation agrarian outrage had blazed out with fearful intensity. He was glad to hear the right hon. Gentleman speaking with some degree of decision, in condemnation of the anti-rent agitation; but the conclusion he drew was rather a strange one. He spoke with warmth and justice of the agitation which had misled the people, and which was likely to mislead them further; but here in the Bill was practically the same principle and the same view put forth in the House as had been pressed in Ireland by the Land League. ["No, no!"] Certainly he understood the Bill lately introduced by the hon. Member for Mayo (Mr. O'Connor Power) was put forward by eminent members of the League. There-

fore, he said that the Bill practically gave a Government sanction to some, at least, of their strongest demands, for he was right in saying that the principle of the Government Bill and that of the hon. Member for Mayo (Mr. O'Connor Power) were the same. The Government sanctioned the strongest immediate demands of the League. He said the immediate demands, for what the ulterior effects might be he could not say. But as to the propriety of intrusting to some third person to settle what was or was not a reasonable rent, as to the propriety of interfering between landlord and tenant, simply on account of the prevailing distress, it did sanction and adopt the principles which had been put forward for months by the Land League. He would undertake now to prove that in principle the proposal was almost identical with that of the hon. Member for Mayo. If the Government had pleased they could have introduced, by way of amendment to the hon. Member's Bill, all the limitations which they had put into their own Bill. Without any departure from principle this might be done; and, as he understood, the hon. Member for Cork (Mr. Parnell) had intimated his intention of proposing Amendments to this Bill to make the two Bills similar. What was the principle of these two Bills? He quite admitted that in one sense they were framed on a principle the germ of which was found in the Land Act of 1870. As the House was well aware, in that Act very large provisions were made for the protection of the tenants at the expense of the landlords of Ireland. By the 3rd clause protection was given against eviction; by the 4th clause the value of improvements was secured; and by the 7th clause compensation was secured for goodwill paid by the incoming to the outgoing tenant. Not to go through all the clauses, it was alleged by the Prime Minister, on the second reading, that it did confer on the tenantry of Ireland such benefits and protection as were not enjoyed by the occupiers of the soil in England or Scotland, who were amongst the most favoured nations in this respect; but, though large concessions were made at the expense of the landlords, two principles were insisted upon as a kind of set-off against these concessions, and great credit was taken by the Prime Minister for the maintenance of those principles.

Mr. Plunket

state of society in our time, certainly not in the condition of things existing in Ireland, it could be right, or just, or conducive to the good of the State, that the landlord should have the power, if he chose to exert it, of depopulating a whole country side. The only restraints upon him were self-interest and public opinion—restraints not always effectual. It was the existence of such a power that shackled the hands and arms of the industrious man, who would otherwise receive the fruits of his industry; and he failed to understand how there could be any injustice in allowing a man to be secure in the possession of the land on which he laboured so long as he did nothing to injure the property of his landlord, did not sub-let it, and so long as he paid a fair and just rent. Until some such state of things as that was brought about, he did not believe there would be any real or permanent settlement of this question. It was not alone the social evils of the system. Let the House consider the moral evils of it. Whilst Ireland was freer than England from other classes of crime, agrarian crime abounded, and a large part of the population sympathized with it. Surely that was the loudest and most eloquent denunciation of the present state of the law, coming, as it did, from a people not wanting in other matters in high moral qualities. He desired to be understood as speaking as one seriously anxious that there should be real union between England and Ireland, and that Ireland should share the career, the destiny, and the prosperity of the people of this country; and he hoped to see the time when the people of Ireland, prosperous and contented, would lend a willing obedience to laws which fostered their industry and secured its fruits.

MR. PLUNKET said, he felt sure the House would agree with him when he congratulated the hon. and learned Member who had just sat down on the speech which he had addressed to the House. He would not follow the hon. and learned Member in his large argument and the general treatment of the question, which, it seemed to him, would have been better adapted to some debates in the year 1870, before the Land Act was passed, or which might be raised at a future time when another Land Act was before the House; but

which, he thought, went a little wide of the particular subject of discussion. There was very much in what he said as to the existing distress in Ireland in which he concurred and sympathized. Everything spoken on this point by the right hon. Gentleman the Chief Secretary for Ireland in introducing the debate he freely adopted. He had never denied that there was severe distress in certain districts; and though this distress was happily diminished in extent and intensity, some still existed. But, as the Chief Secretary said last night, the greater portion of the danger from famine—the extreme pinch—had been successfully grappled with. With the efforts of those who effectually checked the increase of distress he entirely sympathized; and he could bear testimony, from what he had seen in the West of Ireland, to the extraordinary patience and endurance with which many of the tenantry bore their great privations. He would be proud to join in any effort to relieve this distress, and on this account he was glad that the measure before the House did not form part of the Relief of Distress Bill; because, while willing to support the Government in any Bill having that object, he must say at once he looked upon the Bill before them in a wholly different light. It was not a Relief Bill, it was a political proposal; and he should resist it, because he believed that as between landlord and tenant it would do the greatest amount of injury and the least amount of good. It was a direct confiscation of the income of one class in favour of another—of the landlord in favour of the tenant. He was certain, also, that the mere introduction of the measure—for he could never believe that it would pass—had done much, and would do more, to strengthen and confirm that disastrous agitation which for 18 months had raged in Ireland. He was bound to give the Bill, which strengthened the most violent proposals of agitators, his strongest opposition. He had felt somewhat at a loss to know how the Chief Secretary would justify the introduction of such a Bill. What hidden statistics, carefully sifted, while entirely undreamt of by the public, he was going to spring upon the House in asking for this exceptional and extraordinary measure? But what were the facts? Not one figure that could be vouched for as ap-

proaching correctness—and he said it with no disrespect—the right hon. Gentleman did not seem to understand his own proposals. He produced a number of ejectments; but he was unable to say what proportion applied to the country and what to the towns; how many for non-payments, and how many for other causes. He adopted an average of five years previous to 1877, and then made the addition from year to year. Was it possible to ask the House to take action on such a statement? So far as he understood the contention of the right hon. Gentleman, it was that some ejectments were for non-payment of rent, and that this number had considerably increased lately. Well, of course, in a time of the prevalence of extraordinary distress, ejectments for non-payment would increase, as in England the same cause threw a large number of farms on the hands of the landlords. They could not expect a normal state of things under such exceptional circumstances. But he did note one thing, and that was that the increase in the number of ejectments for the last 18 months kept pace with and accompanied the unhappy and disastrous land agitation of that time. Was this remarkable when by orators, who had the ears of the people, the latter were told not to pay rent except as the last payment to be made? Every other claim was first to be settled. Could it be surprising, then, that landlords were obliged to take action now to a greater degree than at other times? It would have been more surprising had there not been this increase in the number of ejectments for non-payment. He knew also that simultaneously with this agitation agrarian outrage had blazed out with fearful intensity. He was glad to hear the right hon. Gentleman speaking with some degree of decision, in condemnation of the anti-rent agitation; but the conclusion he drew was rather a strange one. He spoke with warmth and justice of the agitation which had misled the people, and which was likely to mislead them further; but here in the Bill was practically the same principle and the same view put forth in the House as had been pressed in Ireland by the Land League. ["No, no!"] Certainly he understood the Bill lately introduced by the hon. Member for Mayo (Mr. O'Connor Power) was put forward by eminent members of the League. There-

fore, he said that the Bill practically gave a Government sanction to some, at least, of their strongest demands, for he was right in saying that the principle of the Government Bill and that of the hon. Member for Mayo (Mr. O'Connor Power) were the same. The Government sanctioned the strongest immediate demands of the League. He said the immediate demands, for what the ulterior effects might be he could not say. But as to the propriety of intrusting to some third person to settle what was or was not a reasonable rent, as to the propriety of interfering between landlord and tenant, simply on account of the prevailing distress, it did sanction and adopt the principles which had been put forward for months by the Land League. He would undertake now to prove that in principle the proposal was almost identical with that of the hon. Member for Mayo. If the Government had pleased they could have introduced, by way of amendment to the hon. Member's Bill, all the limitations which they had put into their own Bill. Without any departure from principle this might be done; and, as he understood, the hon. Member for Cork (Mr. Parnell) had intimated his intention of proposing Amendments to this Bill to make the two Bills similar. What was the principle of these two Bills? He quite admitted that in one sense they were framed on a principle the germ of which was found in the Land Act of 1870. As the House was well aware, in that Act very large provisions were made for the protection of the tenants at the expense of the landlords of Ireland. By the 3rd clause protection was given against eviction; by the 4th clause the value of improvements was secured; and by the 7th clause compensation was secured for goodwill paid by the incoming to the outgoing tenant. Not to go through all the clauses, it was alleged by the Prime Minister, on the second reading, that it did confer on the tenantry of Ireland such benefits and protection as were not enjoyed by the occupiers of the soil in England or Scotland, who were amongst the most favoured nations in this respect; but, though large concessions were made at the expense of the landlords, two principles were insisted upon as a kind of set-off against these concessions, and great credit was taken by the Prime Minister for the maintenance of those principles.

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hon. Gentleman had expressed a hope that the Bill would be a great advantage to landlords in recovering their debts. In point of fact, however, a landlord would be deprived of the only effectual remedy he had to recover his rent. The honest tenants who hitherto had paid their rents would be tempted to exclaim—"What fools we were!" Even if this Bill should not become law, the mere initiation of it would have done a fearful amount of mischief. For some time past great courage was required on the part of those who opposed the unprincipled agitation in Ireland. ["No!"] He maintained that it was an unprincipled agitation. Ministers of religion and ecclesiastics high in the Church to which the majority of the Irish people belonged had stood forward and warned the people against the agitation. ["No!"] The Roman Catholic Archbishop of Dublin, in his Pastoral of November 17, said—

"Very rev. fathers, while standing forward to support our flocks in this their dark hour of distress, we must not fear to raise our voices to warn them against the results of their faults or mistakes. Our principle must be to give to Cæsar what Cæsar justly claims, else we cannot give to God what God commands. If just debts, fairly demanded, be not honestly discharged, a principle fatal to the prosperity of our country will be established, and sooner or later it will recoil on the heads of those who to-day may seem to be gainers by its adoption. But let us pray, rev. fathers, that the day may be yet far distant when Irishmen, who in olden times were renowned for their love of impartial justice, should set to the world an example of faith disregarded."

The sanction which this Bill seemed, as he had shown, to give to the programme of the agitators must paralyze the efforts of these holy men. He must now say a few words on behalf of the unhappy landlords of Ireland, many of whom were among his own constituents. The sources of their income in many cases would be dried up by the Bill when it became law; while, on the other hand, their taxes and other outgoings would still have to be met by them. Hundreds and thousands of landlords would practically receive no rent at all until 1882, and would so be ruined. He had endeavoured to show that, in principle, the Bill was really precisely the same as that for which it was brought forward as a substitute, and which made ejectment for non-payment of rent a disturbance. Such a principle was not

based upon any sound lines. By adopting it they conferred as little benefit as possible on the honest tenants, and inflicted as much injury as possible upon landlords. It was his firm and strong belief that the measure would be regarded as a surrender to the land agitation. He knew the right hon. Gentleman had spoken generally against the agitation, and that he had pledged himself not to take any further steps in the same direction; but he should remember that his words would be read by only a few of the people to whom they referred, whilst the concessions he had made would be known to all. It was well known that Government had, at first, refused to do anything of the kind during the Session, and that they had refused to accept the Bill of the hon. Member for Mayo; but that Parliamentary pressure had been successfully put upon them by those who favoured the anti-rent agitation, and that the leaders of the movement were induced to withdraw their Bill on the pledge of the Government to introduce the present measure. He knew that the hon. Member for the City of Cork (Mr. Parnell) was satisfied with the change which had come over the Government in this respect. The hon. Member recently remarked—

"Within the last few days the general situation has entirely changed, so far as the attitude of the Government upon the Land Question is concerned. Having announced at the beginning of the Session that they would not touch the subject this Session they now introduce a Bill very similar to that of Mr. O'Connor Power, and to effect an object which the draughtsmanship of Dr. Commins in Mr. Power's Bill has taught them how to accomplish. We shall now have an opportunity of introducing a clause for the suspension of ejectments, and also any other amendment of the Land Laws which it may be thought desirable this Session to press for."

He thought, therefore, that after that frank declaration on the part of the hon. Member for Cork, who was, at least, the godfather of the hon. Member for Mayo's Bill, it was unnecessary for him further to prove how identical they were in principle, and how likely this Bill, if passed into law, was to countenance the anti-rent agitation by carrying out one of the main articles in their programme by depriving the landlords of their rents.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he thought hon. and right hon. Members

not been clearly stated; and he would like to know whether there were any restrictions so described as to cause reliance to be placed upon the course of action which should be taken. They certainly affected a considerable part of Ireland, inasmuch as the Bill applied to 13 counties, and to more than one-half of the whole country. Why should that distinction be drawn? The Schedule in which those districts were specified was drawn up for the purposes of the distress, and, no doubt, much distress had existed in some parts; but there were some parts mentioned in the Schedule which had been entirely free from distress, although surrounded by distressed districts; while, on the other hand, there were some parts not included in the Schedule which were as much in distress as those within the bounds of the Schedule. Now, he wished to know why a Schedule of that kind ought to be taken as a guide for a measure of the nature before the House, and should at all interfere with the bargain which had been made between two men by saying that the landlord's rent should not be obtained from a tenant? There was no ground upon which they would be able permanently to base such a capricious restriction. The measure provided that if an owner of land came within the Schedule, he came within the benefit of the Act; whereas those who owned land outside the Schedule did not come within the purposes of the measure. What justice was there in refusing the right to men outside, while they granted it to those inside? [Mr. PARNELL: Hear, hear!] The hon. Member for Cork thought there was injustice in such a result, and he could well understand such a conviction in his mind. Now, there was another restriction to which he wished to refer. The Bill was confined to two years, or to one year and a-half. But why should any such time be fixed upon? He had heard from some authorities on the other side of the House that the distress had already almost passed away. ["No, no!"] The right hon. Gentleman the Chief Secretary for Ireland had certainly stated the other night that in some parts the distress had been successfully grappled with, and that in other districts, though there was still suffering, there was hope of an abundant harvest, which it was believed would entirely remove it. ["No, no!"] But

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supposing they had one good year or two good years, followed by another wet autumn and a bad spring, were they going to continue this Bill? And if they were not, how could they rest firmly on such insecure restrictions as these? He had no faith in any limitation of time when once the right principle which should pervade the measure had been departed from. But the most extraordinary part of the Bill was probably that relating to the tenant's ability or inability to pay. If they wished to evade the payment of rent they should do it straightaway by a Bill like the one introduced by the hon. Member for County Mayo; but to throw upon the County Court Judge the onus of deciding in such a matter was an utterly impracticable and absurd proposal. He would have to ask the tenant—"Are you able to pay?" Well, the answer they would easily guess, for there were very few tenants in Ireland, or even in England at the present time, who did not experience more or less difficulty in meeting their payments. Then, how could the Chairman cross-examine the tenant as to his means, or the landlord contradict the statements which might be made by the tenant? It was important to remember that the Bill only referred to the landlord's debt, while there was nothing about the tradesman and the money-lender. The tenant might simply come forward and say that there had been a very bad year for the crops, that he was in the scheduled district, and that he had found it very difficult to get on; that he had had to take goods on credit and to get money from the money-lender. The law the Government wished to establish would then in principle lay down that the tenant must pay the tradesman and the money-lender, but not the landlord. Such distinctions introduced into the measure some of the worst principles put forward by the anti-rent agitators. The result would be exactly the same, and the discretion given to the Chairman and the County Court Judge would be perfectly useless. The Bill would keep an open door for the dishonest tenant; it would be a terrible temptation to the honest one; it provided that the duties to the landlords would be in quite a different category to the other creditors; it would prove bad teaching to the people of Ireland, and no need would exist for anyone to urge a tenant not to pay his rent. The right

hon. Gentleman had expressed a hope that the Bill would be a great advantage to landlords in recovering their debts. In point of fact, however, a landlord would be deprived of the only effectual remedy he had to recover his rent. The honest tenants who hitherto had paid their rents would be tempted to exclaim—"What fools we were!" Even if this Bill should not become law, the mere initiation of it would have done a fearful amount of mischief. For some time past great courage was required on the part of those who opposed the unprincipled agitation in Ireland. ["No!"] He maintained that it was an unprincipled agitation. Ministers of religion and ecclesiastics high in the Church to which the majority of the Irish people belonged had stood forward and warned the people against the agitation. ["No!"] The Roman Catholic Archbishop of Dublin, in his Pastoral of November 17, said—

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The sanction which this Bill seemed, as he had shown, to give to the programme of the agitators must paralyze the efforts of these holy men. He must now say a few words on behalf of the unhappy landlords of Ireland, many of whom were among his own constituents. The sources of their income in many cases would be dried up by the Bill when it became law; while, on the other hand, their taxes and other outgoings would still have to be met by them. Hundreds and thousands of landlords would practically receive no rent at all until 1882, and would so be ruined. He had endeavoured to show that, in principle, the Bill was really precisely the same as that for which it was brought forward as a substitute, and which made ejectment for non-payment of rent a disturbance. Such a principle was not

based upon any sound lines. By adopting it they conferred as little benefit as possible on the honest tenants, and inflicted as much injury as possible upon landlords. It was his firm and strong belief that the measure would be regarded as a surrender to the land agitation. He knew the right hon. Gentleman had spoken generally against the agitation, and that he had pledged himself not to take any further steps in the same direction; but he should remember that his words would be read by only a few of the people to whom they referred, whilst the concessions he had made would be known to all. It was well known that Government had, at first, refused to do anything of the kind during the Session, and that they had refused to accept the Bill of the hon. Member for Mayo; but that Parliamentary pressure had been successfully put upon them by those who favoured the anti-rent agitation, and that the leaders of the movement were induced to withdraw their Bill on the pledge of the Government to introduce the present measure. He knew that the hon. Member for the City of Cork (Mr. Parnell) was satisfied with the change which had come over the Government in this respect. The hon. Member recently remarked—

"Within the last few days the general situation has entirely changed, so far as the attitude of the Government upon the Land Question is concerned. Having announced at the beginning of the Session that they would not touch the subject this Session they now introduce a Bill very similar to that of Mr. O'Connor Power, and to effect an object which the draughtsmanship of Dr. Commins in Mr. Power's Bill has taught them how to accomplish. We shall now have an opportunity of introducing a clause for the suspension of ejectments, and also any other amendment of the Land Laws which it may be thought desirable this Session to press for."

He thought, therefore, that after that frank declaration on the part of the hon. Member for Cork, who was, at least, the godfather of the hon. Member for Mayo's Bill, it was unnecessary for him further to prove how identical they were in principle, and how likely this Bill, if passed into law, was to countenance the anti-rent agitation by carrying out one of the main articles in their programme by depriving the landlords of their rents.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he thought hon. and right hon. Members

of that House, on whichever side they sat, and however they voted, must regret that on all occasions whenever the words "landlord" and "tenant" were introduced in debate in that House they invariably acted as Shibboleths which resolved the House into two hostile camps, instead of being an inducement to the House to do all they could to promote the union, most intimate as it should be, of those who were so closely connected together in interest and relation. Whatever injured the landlord would re-act on the tenant, and whatever was injurious to the tenant would re-act on the landlord. He could not understand why the principle of the Bill had been denounced as inequitable, for it appeared to him to give perfectly equal justice both to landlords and to tenants. The principle of this Bill was the principle which was endeavoured to be introduced into the Land Act of 1870 in the interest of the landlord class. The principle of this Bill was that if a tenant in a limited area, for a limited time, and in exceptional circumstances, was willing to continue in occupation of his holding on just and reasonable terms, and if those terms were unreasonably refused by the landlord, then, and then only, did the scope of the Act come into operation for the protection of the tenant. Now, the 18th section of the Land Act of 1870 gave the Court power to deal with the equities both on the one side and the other, both of the landlord and tenant—

"If," said the Act of 1870, "it shall appear to the Court in any case in which compensation shall be claimed under Section 3 of this Act, that the landlord has been and is willing to permit the tenant to continue in the occupation of his holding upon just and reasonable terms, and that such terms have been and are unreasonably refused by the tenant, the claim of the tenant to such compensation shall be disallowed."

The application of that principle was the governing principle of the Bill before the House. Would not hon. Gentlemen opposite rebel with indignation the aspersion that they were not just and reasonable, and were not willing to act justly and reasonably? But then the Bill did not override any right they would desire to exercise. They would not be deprived by this Bill of the means of recovering their rent. The Bill had been denounced by hon. Members opposite, and by the hon. and

gallant Member for the County of Leitrim (Major O'Beirne), as a revolutionary measure, introduced to confiscate the property of the landlords. Now, with great respect, he could hardly think, if Gentlemen would look at the matter impartially and fairly, they would think that a fair or adequate description of the principle of the Bill. A great calamity had befallen a large part of Ireland. It might be described as pervading half Ireland—that was to say, if they drew a line down Ireland through Athlone, the districts to the west of that line were distressed. It was the object of the Bill to assist distressed parts of the country; and the principles of this Bill had, in fact, been sanctioned by the last Parliament and by the Conservative Government by the first Act, passed in 1880. That Act originated in a Motion by the hon. and gallant Member for Galway County (Major Nolan), who would, he supposed, be classed by his right hon. and learned Friend (Mr. Plunket) with those to whom he applied such strong language. The question, then, was, whether large tracts of Ireland were to be left uncultivated and waste, or should means be furnished in the interest of the community at large for their cultivation. The hon. and gallant Member for Galway County proposed that present relief should then be given by the distribution of seeds. No voice had then suggested that Parliament thus had confiscated the property of landlords or any property. That Bill was limited to the distressed districts, and was also limited in time. Did anyone ever say that that Act which Parliament thus sanctioned was intended to establish the principle that tenants thereafter were not to provide their own seeds, or rely on their own resources; and that, because assistance was given them when they had been scourged by the visitation of Providence, therefore they were not in future to exert their own powers? In distressed districts assistance had thus been given to the cultivators of the soil; but it yet remained temporarily to arrange satisfactorily the mutual and relative duties of the landlord and the tenant in distressed districts lest large tracts of land subjected to the visitation of Providence, which might have been uncultivated, should yet become waste and untenanted. Notwithstanding the energetic and denunciatory language of the

right hon. and learned Member for Dublin University (Mr. Plunket), he could hardly think the House would hesitate to agree to this Bill. Let them look at parts of the district to which the Act was intended to apply. He would take a district from Ulster, another from Connaught, and another from Munster; and he would ask, should not assistance be given to the men to whom this Bill would apply? They were men of small and struggling circumstances; but were they, therefore, to be refused the fair relief which this Bill would give? In the County Donegal, where tenant right prevailed, and where the action of the police, and the assistance of the military, was not required to protect and enforce the process of the law, there were 1,100,000 acres divided into 33,000 holdings. 17,000 of these holdings did not exceed £4 valuation, 8,000 exceeded £4, but did not exceed £8, valuation. Out of 33,000 holdings, therefore, nearly 25,000 did not exceed a valuation of £8. Now let the House come to the aid of those 25,000 holdings, which represented, in most instances, the head of a family with a wife and children. Then as to the County of Mayo. It contained 1,300,000 acres, divided into 36,000 holdings. Of these, 19,000 holdings did not exceed £4 valuation, while 10,400 exceeded £4, but did not exceed £8, valuation. Nearly the same figures would prevail in the County of Galway, where there was an acreage of over 1,000,000 divided into 38,000 holdings, of which 28,000 did not exceed £8 valuation. The facts in the County of Kerry were much the same. With those figures before it, would the House consider that in the present circumstances of exceptional distress the power which the law gave of recovering rent by ejectment was to be used for the indirect purpose of clearing the land of its occupiers? To prevent that, and for that purpose alone, this Bill was introduced. The hon. and learned Member for Dundalk (Mr. C. Russell) had sketched with great accuracy the growth of rent ejectment in Ireland, and had shown how in this great and prosperous country this power did not exist in the same degree as in Ireland. No one would object to the law being made use of for the legitimate purpose for which it was originally intended—namely, of recovering rent. It was not until 1850

that in the Civil Bill Courts in Ireland landlords were empowered to maintain ejectment for non-payment of rent in respect of yearly tenancies held without writing and merely by oral and verbal arrangement, and it was not until the year 1860 that similar jurisdiction was given to Superior Courts. These constituted the great bulk of yearly tenancies in Ireland. It was thus only for the purpose of enabling the landlord to recover his rent that this power of eviction was given, and it was never contemplated that it was to be used for the purpose of clearing the land of its inhabitants. But, after all, the landlord would retain all the same power to recover his rent. He might also, like any other creditor, bring his action for what was due; he could get a judgment of the Court, and by virtue of that judgment he could realize through a Sheriff's sale the property taken in execution. The interest in the holding, if any, might be sold; and if anything over and above the liabilities was realized the tenant might get it. Amongst other benefits of the Ulster custom, where it prevailed, the tenant was secured the right to sell his interest, if he did not wish to remain, or if he became unable to pay his rent and was ejected for non-payment of rent. If the House would compare the Bill with the Land Act, it would see that both were on the same lines. It was not introduced for any political purpose. It was honestly introduced to meet exceptional distress from failure of crops. It run in the same groove as the Seeds Act. Its principle was simply this—that where a tenant was unable to pay, and where his inability was caused by the distress which had arisen from the failure of crops, and he could satisfy the Court—which, be it well remembered, was not to be an arbitrary Court, but one which Parliament had set up for the purpose of the Land Act—that his propositions for the arrangement of his rent and its arrears and otherwise were just and reasonable, and that his landlord unreasonably rejected those fair overtures, then that he should be compensated for the disturbance. Was that a Bill which was a subversion of the rights of property? Hon. Gentlemen who were so generous to their own tenantry were, at this moment, doing what the Bill would force those in whom justice and generosity

had no place also to do. Was it to be that the bone and sinew of the country were to have no consideration after their recent bitter famine experiences? Stung with despair, they might be driven to emigrate to foreign lands. Would the House send them away with a feeling rankling in their hearts that the farms where they were born—where, perhaps, they had closed their parents' eyes in death—were not to be protected, and that they could not obtain the smallest consideration at the hands of the House of Commons of a United Kingdom. Would they not rather take from the hand of the agitator one of his most fatal weapons, and, at all events, show the people that that great Assembly was not afraid to be just?

MR. TOTTENHAM moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(Mr. Tottenham.)

MR. GLADSTONE said, that, considering the importance of the question, and the limited number of hon. Members who had had an opportunity of addressing the House upon it, he would consent to the adjournment of the debate until Tuesday at 2 o'clock.

MR. PARNELL thought it was much more likely to be brought to a close at an Evening Sitting than at a Morning Sitting.

MR. GLADSTONE said, the Government had already lost two Mondays, and he must ask them to go into Supply on Monday. It was absolutely necessary.

THE O'DONOGHUE remarked that Tuesday had been mentioned for the Bradlaugh affair, and it was a matter of Privilege.

MR. GLADSTONE replied, that they would see what happened; but they were in hopes that that would not be taken.

MR. GIBSON hoped that before the debate was resumed the Papers which had been quoted by the hon. and learned Gentleman the Solicitor General for Ireland would be laid upon the Table, in such a form as to distinguish evictions for non-payment of rent from other causes. He also hoped Returns would be given of ejectments in cities and towns. He trusted that the Chief Secretary would hurry on the printing of the Poor Law Returns which he mentioned the other day.

The Solicitor General for Ireland

MR. W. E. FORSTER was afraid it would be impossible to produce all these Returns within the time mentioned.

Motion agreed to.

Debate adjourned till Tuesday next, at Two of the clock.

SAVINGS BANKS BILL.—[BILL 188.]

(Mr. Gladstone, Mr. Fawcett, Lord Frederick Cavendish.)

SECOND READING. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [18th June], "That the Bill be now read a second time."

And which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "the extension of the limits of deposits in Savings Banks proposed in this Bill would result in a serious a discouragement of private enterprise that, in the opinion of this House, no such step should be taken without careful inquiry,"—(Mr. William Fowler.)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. BARING expressed a hope that the Prime Minister would not press the Bill, since many hon. Gentlemen who were interested in it had gone away under the impression that it would not come on.

MR. GLADSTONE said, the objections were only in regard to matters of detail, which could be perfectly well discussed in Committee. The debate was only adjourned on the last occasion in consequence of the interposition of one hon. Gentleman.

SIR ANDREW LUSK said, he hoped the right hon. Gentleman would not insist on reading the Bill a second time at present. He knew several Gentlemen who wished to speak on the subject.

MR. GLADSTONE, interposing, said, he had given Notice that he would take the second reading of the Bill the first opportunity he had.

SIR ANDREW LUSK said, that in that case he should talk it out. He did not think it was fair of the right hon. Gentleman to push the Bill so, and take advantage of the absence of hon. Gentlemen who took an interest in it.

MR. GLADSTONE hoped the hon. Baronet would not use language of that kind. He was not taking advantage of anyone in their absence.

SIR ANDREW LUSK said, he begged pardon if he had said anything amiss, and would withdraw the expression.

It being ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

The House suspended its Sitting at five minutes before Seven of the clock.

The House resumed its Sitting at Nine of the clock.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CLOSING OF PUBLIC-HOUSES ON SUNDAY—RESOLUTION.

MR. STEVENSON, in rising to move—

"That, in the opinion of this House, it is expedient that the Law which limits the hours of sale of intoxicating drinks on Sunday in England and Wales should be amended so as to apply to the whole of the day,"

said, that in bringing forward this important question he was greatly encouraged by the result of the discussion which took place only a week ago on the Motion of his hon. Friend the Member for Carlisle (Sir Wilfrid Lawson). He believed his hon. Friend would not think he was criticizing in a hostile spirit the Resolution which he introduced, if he submitted that the Resolution he (Mr. Stevenson) had to propose was one of a much simpler character, and attended, in many respects, with fewer difficulties, and ought, therefore, more readily to command the attention of the House. There was no doubt about "Sunday closing," though some hon. Members had expressed a doubt as to the meaning of "Local Option." There was no question of compensation connected with this Resolution. He was glad to think that no question of com-

pensation could possibly arise in connection with this Resolution, because, during the discussion of an analogous measure relating to Ireland, the question of compensation was considered and deliberately rejected as having no foundation. Nine-tenths of the population of Ireland were under the *régime* of Sunday closing, and the whole of Scotland between 20 and 30 years had been under a similar law. It appeared to be a great anomaly that the only trade to be carried on openly and generally on Sunday should be that of persons who, under the name of Licensed Victuallers, furnished anything rather than victuals, and little in the way of refreshments, to travellers. The contraction of the hours of sale on Sunday began in London. The Preamble to the Act of 1848 recited that provisions which had been in force in the Metropolitan Police district for some time had been attended with great benefits. A further contraction was made by the Act of the present Lord Winmarleigh, when Colonel Wilson Patten, which closed public-houses in the afternoon. It was a misunderstanding to suppose that there was any connection between that Act and the Hyde Park riots, for the Act had been in successful operation 10 months, and the riots were brought about by an attempt to limit Sunday trading in other articles in certain parts of London. Some publicans took advantage of the opportunity to direct the attention of Parliament to the subject, and in a panic the number of open hours was increased from seven to eight-and-half; but still afternoon closing was retained. In 1868, the last year of the £10 householder Parliament, Mr. Abel Smith brought in a Bill to reduce the hours and to alter the character of the sale from consumption on to consumption off the premises. It was said the last Session of that Parliament was chosen because the promoters of the measure dared not have proposed it in the reformed Parliament; but the real state of the case was just the other way, for in the reformed Parliament there was greater possibility of dealing with the subject than there was in that which represented the £10 householders. The new Parliament had the better means of knowing what the views of the constituencies were. He believed the great majority of the people desired Sunday closing. He believed

that public opinion was ripe for this measure. What was wanted was, not a partial measure, but total closing—not a compromise, but full liberty to all in the trade to take a day of rest for themselves and their families. The last Parliament might have been considered a most unlikely one to deal with the question, and yet it passed the Irish Sunday Closing measure, because there was irresistible proof that it was desired by the people of the country. Their feeling was elicited by a house to house canvass, carried on with self-denial and honesty; and the votes of the Irish Members also showed that the people of Ireland desired what they succeeded in getting. In a similar way in England house to house canvassing had been carried on for many years, and with a corresponding result. It showed that about eight householders were in favour of the Sunday closing to one against it. When a question was put as to a modified measure, it was found that there was just as great a majority against that. Therefore, he wished to give the people, not what they did not ask for, but that which they did ask for, which was total Sunday closing. Last year's discussion of this subject disclosed an advance of public opinion for which many were not prepared. He was then pressed by many friends of temperance in the House to make a concession; and before the division, which was on the second reading of the Bill, he said that he would accept, in the way of clauses, the modification indicated, which was the opening of public-houses for two separate hours for the sale of dinner and of supper beer. He was not prepared to make that concession now; he should hope for better terms from this Parliament. The hon. Member for South Durham (Mr. J. W. Pease) wanted to advise a middle course with the hope of reaching the final result with greater safety. But what he wanted to know was how long they were to be in reaching Sunday closing? He wanted it now. But if it was to be approached gradually, was there to be the chance of adopting Sunday closing in any one parish? He could understand one kind of compromise—one of areas, such as the exemption of towns in Ireland, whose turn, he hoped, would come very soon. He could not, however, understand a compromise which gave

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what nobody asked for, and of which they had no experience; whereas the simpler plan of total closing had been tried over the whole of Scotland and in nine-tenths of Ireland. The compromise was proposed by Members to their constituencies, and not by the constituencies to their Members. The publicans did not propose it, for they wanted an unbroken day of rest for themselves and their families, and a compromise would not do that. After the last debate, he received a letter from a publican in the neighbourhood of London expressing the conviction that Sunday closing would be a great boon to the great majority of Licensed Victuallers and no material inconvenience to the public, and that it would, to some extent, prevent excessive drinking by working men, to which they were tempted by leisure when they had their wages in their pockets. The nine hours' movement gave the working man 54 hours a-week; but the open hours of the publican were double that, or 108 hours a-week. Thinking the publican who had written to him knew something of the question, he wrote to him about the stale beer difficulty, and the reply received was a valuable one for the House, for it stated that the difficulty was practically got over now by families who wanted their dinner beer earlier than the houses were open on Sunday, who obtained it on the Saturday night, and kept it in stone bottles to their own satisfaction. Another publican wrote him a letter, in which he said—

"Many of my customers at the present time get their beer for Sunday's use in stone bottles, for which they leave a small deposit; and although, no doubt, the beer when it comes to be used is not as good as when it was originally taken from the cask, yet it is far better than thousands of those beverages for the use of private families which are sold in 9 or in 18 gallon casks under the name of table beer."

Certainly, the small convenience of being able to obtain one's dinner beer direct from the public-house on Sundays was purchased at a very great cost indeed, the price being the toil and bondage of the publican and of his servants for the seven days of the week. His object, however, was to give them a complete break of one day in the week. In fact, some of the large public-houses never opened at all upon Sundays, and those employed in them felt the advantage of the rest. He objected to the compromise which

had been suggested, on the ground that it would not effect any substantial improvement in the existing state of things, and would continue the temptation to Sunday tippling which existed under the present law. As far as the persons who kept public-houses were concerned, he did not think that they wished to carry on their business on Sundays. The profit which they made on that day was not particularly large; and they had, as he believed, a wish not only to rest themselves, but to give a day of rest to those in their employ. There was, of course, on their part a great show of opposition; but no one was willing to work continuously for seven days if he could get off for six. There was, at all events, considerable difference of opinion between them on this question of Sunday closing, as he gathered from the Report of a Conference of Licensed Victuallers lately held at Newcastle. In carrying out this opposition, the Protection Society of London, when he was about to bring forward this question early in the present year, sent out a number of Petitions among the trade to be exhibited for signature in every public-house. All persons above 16 years of age of both sexes were invited to sign it; and *The Morning Advertiser*, in March last, in a leading article, said:—

“We are anxious to point out to the trade, a great many of whom display too much apathy on the question, the absolute necessity there is that they should look to the instructions of the Committee.”

Still, the result was not very satisfactory. In one town the average number of signatures was six to each public-house. In another town they averaged 17, and in another 21. This, he thought, showed that the publicans were not greatly opposed to it. Indeed, a canvass from house to house, which Dr. Norman Kerr originated at Jarrow, showed they were in favour of it. Again, as regarded their customers, it was not the poorer classes who wished to have the public-houses kept open, but the members of the middle classes of society. The greatest enemies of the public-houses were the wives of the labouring classes, and they were unanimous in wishing to have them closed on Sunday. He regretted to find the Bishop of Llandaff stating his opinion in favour of keeping them open, as

there was no district in England which suffered more from Sunday drinking than a portion of his diocese. The district in question was a colliery one, and he found that on Monday there were 5,178 men in the pits; on Friday there were 1,000 men more. In other words, on Monday morning, owing to how they had spent their Sunday, there were 1,000 incapable of resuming their work, which represented a great loss to their families. But, more than that, whereas the quantity of coal raised on Monday was only six tons per man, the quantity raised on Friday was eight tons per man, showing how much their physical energy was impaired by Sunday drinking. The operation of the Forbes-Mackenzie Act in Scotland had been severely tested—first, by the inquiry of a Royal Commission, which in its Report demonstrated by statistics that not only had committals for Sunday drinking been reduced to less than one-tenth of what they had been before the passing of the Act, but that Saturday and Monday drinking had been greatly reduced also. It had been tested, too, by the working of the Irish Sunday Closing Act, which had been productive of the most beneficial effects; so much so, that the Dublin Correspondent of *The Times* was able to state that the operation of the Act had falsified the predictions of its opponents and exceeded the expectations of its supporters, and that not only had the consumption of intoxicating drinks fallen off, but there were fewer families in want, and drinking in shebeen houses had become somewhat mythical. If they really wanted to understand all the evils of Sunday drinking, they should, as he had done, go round the public-houses and see how the trade was carried on. No one could do that without feeling a desire to put down so much misery and mischief. So far he was a Sabbatarian that he desired that every person should enjoy one day's rest in seven, and the burden of proof to the contrary lay upon those who denied it. In the interest, therefore, of the general public, and especially in the interest of the 300,000 or 400,000 persons who were deprived of a day of rest by the operation of the existing law, he begged to move the Resolution of which he had given Notice.

MR. BIRLEY, in seconding the Motion, pointed out that not only had the

result of the canvass been uniformly in favour of the proposal to close public-houses on Sundays, but there had been vast public meetings in support of the object, attended not by motley crowds, but, for the most part, by stalwart labourers who were in earnest in the cause of temperance. There had also been a great number of Petitions, which, however, he would pass over, because he knew that many hon. Gentlemen did not think much of Petitions. There had also been Memorials from the clergy and other considerable bodies. What were the arguments against the proposal? By some it was urged that as the rich man had his club to go to on a Sunday, so the poor man ought to have the benefit of his beerhouse. But gin palaces were not clubs; and he hesitated to indulge in the Utopian hope that working men would patronize clubs very largely apart from indulgence in intoxicating liquors. Others, again, said that they ought to rely on the gradual improvement in the habits of society. It was said that not long ago persons in the highest classes thought it no shame to be seen in a state of intoxication; and it was argued that they would soon see the day when neither artizans nor labourers would allow themselves to be seen in that state without a sense of self-reproach, and a still greater sense of reproach from their comrades. He could not help thinking that, in this argument, they ventured upon very severe reflections upon their grandfathers. No doubt, there were grandfathers and grandfathers; but he thought the state of the case was sometimes put more strongly than the facts justified. Moreover, the history of this country did not favour the conclusion that there had been a gradual improvement in the habits of the people in this respect. Authorities of the highest value bore their testimony to the fact that the greatest outbreak of intemperate habits took place in the first half of the last century, when the distillation of gin began in this country, and when the tax upon it was so small. He was not sure whether there was any tax at all in the first instance. The people were able to get drunk for the most insignificant sum. When the regulations were made more stringent, there was a conspicuous change in the habits of the people. Again, as to the habits of the

higher classes of society—and he said it without any disrespect—he was not sure that the decrease in intoxication was not more due to the custom of drinking lighter wine than to the fact that there was less actual consumption of liquor; and he suspected that casual drinking was rather on the increase in this country. As to the influence of education, he believed that without the power of moral control in the nature of the persons themselves, strengthened by religious teaching, they would not preserve even the persons who were educated from the temptation to intemperate habits. He trusted that Sunday closing would be carried to the extent which this Resolution suggested; but he would be glad to see even a mitigation of the present evil, and he would suggest to the Home Secretary to issue six days' licences as a rule, instead of seven days' licences. That would be a move in the right direction. He believed the publicans as a body were favourable to the proposal of his hon. Friend, as, without it, it was impossible for them to indulge in any ramble or excursion, or in any relaxation on the Sunday, which they desired as much as other people. Then something might be said on behalf of the 200,000 or 300,000 barmen and barmaids, including pot-boys, who would be affected by the change. The right hon. Gentleman the Home Secretary had the Factory Acts in his charge, which prevent the over labour of women and boys in factories, and he might well extend the beneficial restrictions in the direction of beershops. It was a very common thing to say that grown-up men were able to take care of themselves in regard to temptation. He held a different view. He thought they ought to agree to abolish certain passages in the Lord's Prayer if they were to maintain that causes of temptation were not to be avoided as much as possible. Sir Walter Scott, in the days before temperance societies were established, spoke of the difficulties a working man had in passing a given number of public-houses. He was a man little influenced by any fanatical views; but he seemed to feel that there was a point at which the repetition of temptation acted upon a man to a degree that those who were not so influenced could scarcely understand. They all knew that even well-principled persons were not always able to resist such temptations. It was a

Mr. Birley

matter of wonder to some people that, while men in the higher classes were often indifferent to Sunday closing, those in the lower strata were almost unanimously in favour of it. The fact was that these latter were the men who knew the terrible ravages of intemperance. If it were not for these men they would hear little of temperance societies or temperance reforms. These men who attended the meetings and signed the Memorials did it not for the sake of depriving their neighbours of a moderate indulgence; far from it. He did not think English people were of that disposition. But it was because in their own persons or in their families, or their immediate neighbours, they saw the fearful ravages from that cause. They saw it in every street and in every village. It was not merely a question of broken fortunes; it was a question of broken homesteads and broken hearts. These were the causes which had led public opinion in this direction. He had great pleasure in seconding the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that the Law which limits the hours of sale of intoxicating drinks on Sunday in England and Wales should be amended so as to apply to the whole of that day,"—(*Mr. Stevenson,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. J. W. PEASE, who had an Amendment on the Paper proposing that the law limiting the hours of sale of intoxicating drinks on Sunday should be amended so as to apply—

"As nearly as possible to the whole of that day, making such provision only for the sale during prohibited hours of beer, ale, porter, cider, or perry, for consumption off the premises, in the country; and for the requirements of the inhabitants of the Metropolitan district, as may be found needful to secure public co-operation in any alteration of the law,"

said, that he was sure the House must concur in the remarks of the hon. Member for Manchester (*Mr. Birley*) in depreciation of the prevalence and the evils of intemperance. Little, he said, had yet been done in the direction of Sunday closing, because the advocates of that step were not content to proceed by

degrees, but strove to reach their object at a bound. He was as ready as any one to give the publican the opportunity of taking rest; but it should be remembered that the Sabbath was made for man, and not man for the Sabbath, and that those who desired to use intoxicating liquors on a Sunday must have somebody to supply them. On that account, while thoroughly sympathizing in the object which the Amendment contemplated, he had given Notice of an Amendment to it, and as he could not move it in consequence of the Rules of the House, he found himself obliged to support his hon. Friend's Amendment, and when it became the substantive question he should ask leave to amend it in the sense of which he had given Notice. The advocates of total Sunday closing desired to remove temptation from the lower classes. Well, so did he; but they could advance in that direction without limiting very materially the liberty of the people to act as they might think fit with regard to supplying their homes with intoxicants on Sunday. The evidence that had been taken before *Mr. Abel Smith's* Committee proved conclusively that it was not necessary, in order to accomplish most of what was desired, to take the temptations out of the way of people during the whole of the Sabbath. He did not see why those who advocated the total closing of public-houses on the Sabbath day did not advocate the adoption of the same course on every other day in the week. If public-houses were to be shut throughout the whole of Sunday, it must be because they were intrinsically bad institutions; and if they were intrinsically bad on Sunday, they surely were so on Monday, Tuesday, and the remaining days of the week. He held that the advocates of temperance ought to aim at accomplishing their object without trenching too much upon the liberty of the people, and to refrain from taking an extreme step such as that proposed by his hon. Friend—a step which it would be perfectly impossible to carry into practice. In large towns it was proposed to close all restaurants and refreshment places except to the *bond fide* travellers and travellers at railway restaurants. That meant perfunctory teetotalism for all who did not travel or keep a store, or who had no club to dine at. Then the Resolution made

no exemption whatever in the case of the Metropolitan district. Not many Sundays ago, being anxious to observe for himself how public-houses were used on Sundays, he went through the streets in the neighbourhood of the Broadway, Westminster, and, contrary to what was represented, he found that there was no rush, as soon as the houses were opened, by people anxious to get drink, but that neat and respectable girls, children, and young men were coming out of the public-houses with their small jugs of beer for home use; and he felt it would be impossible for him to vote for entire Sunday closing, and so deprive those people of their beer, whilst he could go home to his own luncheon where liquors were on the table, and supplied by his own servants. Mr. John Tremayne, who represented Cornwall in the late Parliament, and who took great interest in this question, had estimated as the result of his investigations that in London there were thousands of people who had no other place for their Sunday dinners but the restaurants and public-houses—a class consisting of those who lived in lodgings, and were accustomed, during their business hours in London, daily to get their principal meal at a restaurant. It would, therefore, be perfectly impossible, with due regard to the legitimate wants of the population, to have entire Sunday closing in the Metropolis, unless this House, backed by the country, came to the conclusion to have perfunctory teetotalism throughout the Kingdom. There was another aspect of the case. On another Sunday he came down the road leading from Epping Forest, and found that from Epping Forest to London there was an unceasing traffic. The large public-houses were surrounded by people who were taking their glass of liquor, and bringing it out to their wives and children, which might be morally wrong. ["No!"] He formed an estimate that on three miles of that road there were no less than 7,000 people travelling; and, although the public-houses were surrounded, there was nothing that could be called disorder, but the people seemed to be enjoying themselves, and he, for one, saw no crime in their doing so. But these travellers, according to his hon. Friend, were to have what they wanted; and whilst they were supplied the quiet people who stayed at home were to be compelled by

law to go without liquor. This question had been attentively considered by the Lords' Committee, which was composed of men fully competent to take a statesmanlike and just view of it. The conclusion they came to was that there could not be absolute Sunday closing; but they suggested, as regarded the Metropolis, that the houses should remain open as now—from 1 o'clock until 3, and from 6 until 11; but that during the latter term the liquor should be sold to be consumed off the premises only. He thought the people of the Metropolis were prepared to accept shorter hours—namely, from 1 to 3, and from 7 to 10 o'clock, which would meet the requirements and wants of the Metropolis; and he would, in their case, allow the sale both on and off the premises during both terms. It was argued that as it was with London so it was with other large towns; but, even if it were, there were only some 14 or 15 very large towns representing a population of about 3,000,000; and if they excluded all the considerable towns they would only cover a population of about 6,000,000. There would thus be left 16,000,000, to whom they could deal out more stringent provisions. He was in favour of a similar reduction in hours to that which had been recommended by the Lords' Committee; and he would desire to put an end to the sale of spirits in the country on Sunday, so that in the restricted hours which he recommended the consumption would be limited to beer, cider, perry, and other similar drinks which would not keep fresh for any length of time, and for consumption off the premises only. His hon. Friend had received a letter from a South Durham clergyman. He had received letters from dozens of country clergymen, who had told him that the solution which he proposed of the question was the only practicable one, and those letters were from persons of both political Parties. It had been said that they could with safety follow the example of Ireland and Scotland in this matter. But there was a great difference between those countries and England. They were essentially spirit-drinking countries; whereas beer was the staple drink of England, and beer was a drink which it was essential to get fresh, and it could not be expected that people would like to keep it in stone jugs or in any other way. It would not be wise to drive people to keep

Mr. J. W. Pease

stocks of beer in barrels at home; the cure might turn out worse than the disease. He believed his hon. Friend and those who thought with him had mistaken the feeling of the country. They had spoken of Petitions; but they had deduced no sound argument from those Petitions. Up to the 18th of June there were 74 Petitions, signed by 167,000 persons, against the Resolution, and 1,500 signed by 174,000 in its favour. His hon. Friend had also spoken of the statistics that had been circulated throughout the House as to the results of a house-to-house canvass in several towns; but the canvass had been very imperfect. Of this he would give instances. In Aberdare 4,069 only out of a total of 6,500 houses had been canvassed; in Barrow 1,272 out of 2,700; in Bradford 6,191 out of 29,000; in Darlington 2,600 out of 4,631, and Darlington was known to be a very temperate place; in Canterbury 1,134 out of 4,171, and in Liverpool 44,000 out of 78,000. Besides, this was not a householders' question. It concerned rather that part of the population which was not composed of householders, but lived in lodgings, and were dependent upon the restaurants for their dinners who would most feel the inconvenience. What became, then, of that great consensus of opinion which had been spoken of? Those only who were least interested had been canvassed. It was fallacious, also, to speak of what worked well for Ireland and Scotland as being necessarily well adapted to England. The towns in those countries were not nearly so large as those of England. When the Sunday Closing Act for Ireland was passed, the five principal cities were exempted, and were called by some the five cities of the plain, or the five cities of refuge for the man-slayer; but the largest of those cities had smaller populations than most of the manufacturing towns in England. In Scotland—Edinburgh had only 169,000; Aberdeen 60,000; Dundee 108,000. Glasgow, with its 500,000, was the only town which compared with the largest towns in England. Nor was there absolute Sunday closing in those towns. Everyone who knew Glasgow and the working of the Forbes-Mackenzie Act was aware that the *bond fide* traveller could always obtain liquor on Sunday, and that every inn that had four bed-

rooms was a house of call for the *bond fide* traveller, and that there were many of them. On the Clyde steamers drinking went on with little or no regulation. And when once it was proved, as he had conclusively proved, that there could not be absolute Sunday closing, it became a question of degree, and they must draw a line somewhere. He thought that he had indicated that line in advocating the entire prevention of spirit drinking and the reduction of hours. Spirit drinking was the root of most of the evils which arose from intemperance; and it was the drinking which took place in the last hour or two which did the greatest mischief to public order. He thought the question was ripe for legislation; but it would not be wise to legislate against the feeling of the country. He thought the plans he had suggested would be backed by the country. They could not have complete Sunday closing, and he hoped the House would support the proposal of his hon. Friend, in order that he might amend it afterwards.

MR. BLAKE said, he was glad to bear his testimony to the beneficial effects of Sunday closing in Ireland. The arrests for Sunday drunkenness had gone down 70 per cent since the Act passed. The consumption of drink was less by £1,250,000 in 1879 than in 1878. And almost every Judge of Assize had referred to the decrease of crime and drunkenness since Sunday closing became the law. It was natural at first to connect these results with the distress; but in 1846-7-8, concurrently with distress, there was an increase of drunkenness. He could testify from his own experience to the happy results that had followed Sunday closing, and could well believe that a similar boon would be a great blessing to this country. During the agitation of the question he was frequently assured by many publicans that it would give them great satisfaction to be compelled to close. It was incumbent on Members who supported the closing of public-houses to do what they could to provide the working classes with other means of recreation than those furnished by the public-houses. They ought, therefore, to support the opening of museums, and to do what they could to promote working men's clubs, for in that way the people could be weaned from that which was their greatest curse.

MR. COURTAULD concurred in the remarks of the hon. Member for South Durham (Mr. Pease), and, in fact, he had taken the wind out of his sails. If total Sunday closing were carried, it would be essentially class legislation of the worst character, because it would interfere with the poor, while it would leave the rich alone. The rich man had his cellar to go to, and could always drink what and when he liked; but the poor man had, as it were, to buy his liquor from hand to mouth. The practical effect of this Resolution would be to prevent people drinking on Sunday what he considered to be, in moderation, a wholesome beverage. The staple drink of this country was beer, and beer bought on Saturday for Sunday drinking could not be kept in jugs and bottles as fresh and as wholesome as it ought to be. He could understand that indoor drinking was a temptation to the poor man on his leisure day, and that open public-houses might be sometimes a nuisance; but it was a perfectly distinct thing to open them for the sale of beer to be carried away for consumption. Then, what was the traveller to do if the public-houses were to be closed on Sunday? It was alleged that the working classes were in favour of total Sunday closing; but he was not sure that was borne out by the Petitions, which were signed in many cases by those whom Sunday closing would not affect. This Motion would be a great interference with what was called the liberty of the subject, and he was surprised to find that amongst the supporters of the Motion there were many Members who had always stood up for individual freedom. There were men who denounced the fining of a man for not having his children vaccinated as great tyranny; but who looked upon a Bill for total Sunday closing as mild and beneficent legislation, although it would deprive the poor man of his Sunday beer. He trusted that if the measure were carried one effect of it would be to stimulate the formation of working men's clubs. He had always done his best to help forward these institutions, because in them there were few inducements for men to drink more than they should. Men in working men's clubs could take as little liquor as they liked, or, if they preferred it, none at all, for they would be under no obligation to drink for the good of the house, as they were in the

public-house. He should vote against the original Amendment, and should gladly support one to the effect suggested by the hon. Member for South Durham.

MR. STAVELEY HILL quite agreed with what had fallen from the hon. Member for South Durham (Mr. Pease) that the country was not now ripe—if, indeed, it ever should be ripe—for legislation that went the length of total Sunday closing. Those who had conducted the temperance movement deserved all honour, especially the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), and those to whom the country was deeply indebted, for their efforts in making temperance a popular question. But popular as it was, and popular as he would ever hope it might be, he did not think that in this country they would ever reach the point at which they would enforce total abstinence upon those who might be unwilling to adopt it. When he had heard the Mover of the Resolution, the hon. Member for South Shields (Mr. Stevenson), speak on behalf of total Sunday closing, he had certainly expected to hear him carry the proposition to its full and logical conclusion, and to have done away with the reservation as to the *bond fide* traveller. What did the *bond fide* traveller mean? Simply that a person who was physically separated by distance from his own cellar should be enabled to make use of the cellar of a publican. What difference in principle was there between this man and the man who was physically separated by a want of money from keeping in his house what he might want? If the one should be allowed to have drink on Sunday, why should not the other? He understood that the hon. Member for South Durham wished, by his Amendment, rather to indicate the direction in which they ought to proceed than to bind them down to its exact terms; and to that extent he went entirely with that hon. Member. Having himself had to deal with the Licensed Victuallers, he could say that he had always found them to be generally a well-conducted body carrying on a difficult trade, and most willing to have their hours reasonably shortened. He felt convinced that some hour might be hit upon which should be suitable to the Licensed Victuallers, and conducive to the temperance of the public without putting them to any inconvenience. They had been told by an hon.

Member from Ireland (Mr. Blake) that the Act which had been passed for that country had been a success—that the arrests for drunkenness on Sunday were fewer; and he hoped they would succeed in fixing such an hour as would not inconvenience the Licensed Victuallers in this country, and would tend to further improve the habits of the people.

SIR WILLIAM HARCOURT said, he would have been glad if he could have been a silent listener to that interesting debate; but, from the Office he had the honour to hold, it was hardly possible for him to give a vote on that occasion without stating the reasons which actuated it. He had to look at the Resolution of his hon. Friend the Member for South Shields (Mr. Stevenson); and it seemed to him that no one—and especially one who occupied any responsible position with reference to it—could vote for such a Resolution without being prepared to give immediate effect to it. The Resolution differed very materially from the one submitted to the House the other night by the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), which stated a general principle admitting of many interpretations, and capable of being applied in various ways—namely, the principle of Local Option. The present one was not such a Resolution, because it stated distinctly that a particular thing was to be done—namely, that every public-house in England should be closed on Sunday. It was an absolute and peremptory Resolution; it did not say that the law should be amended, that the hours should be further limited; but that all public-houses should be closed. His right hon. Friend at the head of the Government had the other night pointed out, in the discussion on the Resolution of the hon. Member for Carlisle, that that was, above all, a question on which public opinion ought to govern, and that Ministers were bound to follow, but could not lead public opinion on a matter of that kind. And, therefore, the question they had to consider was whether the public opinion of England demanded or justified the adoption of such a course as that now proposed? The Lords Committee, certainly in no spirit adverse to the end at which his hon. Friend aimed, had declared in their Report their precise opinion that the country was not yet ripe for entire Sunday closing. As

far as he knew, that was an accurate statement. His hon. Friend the Member for South Durham (Mr. Pease), he might add, in his eminently judicial speech, had pointed out that the number of Petitions which had been presented to the House in favour of the Resolution was not much greater than that of those which had been presented against it. This, therefore, did not point to anything like an overwhelming preponderance of opinion. Now, the House well knew what was the case of the Irish Sunday Closing Bill. In almost every one of the numerous divisions on that Bill he had voted in its favour, because he was satisfied of the entire unanimity of Irish opinion on the subject. They had had evidence in every possible way—by Petitions, by representations from persons of all classes and opinions, and with a singular unanimity on the part of the Irish Members on both sides of the House—that the intervention of Parliament was justified, and, indeed, required. But could anybody say that anything like a similar unanimity of opinion on the subject prevailed in this country? He would confess that he himself was unable to come to that conclusion. He might also observe that the proposal of his hon. Friend the Member for South Shields went further than the Irish Bill. Ireland, as the House was well aware, was not rich in great towns, yet five of the chief towns of that country were omitted from the operation of the Irish Bill; while his hon. Friend did not propose to make an exception even in favour of the Metropolis. The hon. Member for Carlisle had invited them to found temperance reform upon the corner stone of Local Option. Well, he (Sir William Harcourt) had voted, the other evening, in support of the principle of Local Option; but the proposal embodied in the present Resolution was absolutely inconsistent with that principle, for it was to be carried into effect whether a community desired that it should be so or not. There were, therefore, two principles of temperance reform; and he could not help feeling that, however excellent might be the object of a Motion such as that before the House, it was possible, by going too far, to defeat the object which they were all anxious to attain, and that any violent action in advance of public opinion, so far from promoting, might injure the

cause of temperance. His hon. Friend the Member for South Durham, who seemed to him to have made a very good speech against the Resolution, was yet going to vote for it with a view to amending it after it had passed. He, however, did not feel himself able to take that course. He was expressing only his own views, and was not in any sense speaking for the Government as a whole, this being a subject upon which every man might vote according to his own views. There was some advantage in the form in which this Resolution was submitted, because it followed upon the Motion that the Speaker do leave the Chair; and, consequently, the Motion which would be put from the Chair practically amounted to the Previous Question. The hon. Member for South Shields had put his proposition in so absolute a form that he was unable to support it; and he did not see how the House could vote for such a Resolution, which was direct and precise, unless it really meant that it could be immediately carried into effect.

SIR R. ASSHETON CROSS: There is no person in this House who does not wish to do all he can to promote the cause of temperance, and the only fault I find with persons who are naturally anxious upon such a subject as this is that they may make up their minds in what particular way the object is to be accomplished, and unless others agree with them in that particular way, they will not believe you are as anxious as they are to promote temperance. I make the greatest possible allowance for the conclusions at which people arrive, because no person who really has the interest of the community at heart can possibly see the crime, misery, and vice which come from drunkenness and not feel his heart stirred to do all in his power to alleviate that misery and put an end to that state of things. But when we feel how necessary it is to do something, we are often in danger of doing that something rashly, and bringing about a condition of affairs which cannot by any possibility last. With regard to the proposition before us, I think it is a fair sample of what I spoke about. If you could see that public opinion would carry you out in what you are going to do, I do not think there is a man on either side of the House who would not be for the total closing of public-

houses on Sundays. I mean if it could be carried out in accordance with the reasonable wishes of the people. But the people really are not ready for such a change. There is a strong feeling in this country that something ought to be done to put a stop to drunkenness; but this particular step, if it were carried to-night and passed into a law, would not have any practical effect of that kind. If this Resolution became law to-night, you would have—I do not say before the end of this Session, but certainly the first thing next Session—to repeal it. You cannot legislate in this way in advance of public opinion; you cannot legislate even quite up to it. So far from effecting the object you have in view, you would do a great deal to check the public opinion in favour of temperance. I was not here to hear the speech of the hon. Member for South Shields (Mr. Stevenson), who moved this Resolution; but to my mind there is a great contrast between the hon. Member who introduced this Motion and the hon. Member for South Durham (Mr. Pease) who has spoken upon it, and I will tell the House where I think the difference lies. The hon. Member who has introduced this Motion has done it for the sole purpose of doing all he can to promote temperance by physical force. The hon. Member for South Durham has studied this question in all its bearings, as I know, because when I had the honour of holding the Office which is now held by the right hon. Gentleman the Member for Derby (Sir William Harcourt), he came to me and asked me if I would give him facilities for obtaining information and forming an opinion on the subject. Let me take London for a moment. Can you imagine it would be any more possible to shut up public-houses now than when you stopped Sunday trading in London some years ago? It is a thing which is absolutely impossible. I am sure the Home Secretary would find before that law had been in force for a month that he would have the greatest possible difficulty in keeping the peace of the town. I said when I was in Office that if Sunday closing was carried I would not be responsible for the peace of London. I say the same now that I am out of Office; and I am certain if the Home Secretary looks into the matter he will come to the same conclusion. There are large numbers of

Sir William Harcourt

NOES.

Agar - Robartes, hon. T. C.
 Allen, H. G.
 Allen, W. S.
 Anderson, G.
 Archdale, W. H.
 Armitstead, G.
 Barran, J.
 Baxter, rt. hon. W. E.
 Beresford, G. De la P.
 Biddulph, M.
 Biggar, J. G.
 Blake, J. A.
 Bolton, J. C.
 Borlase, W. C.
 Brett, R. B.
 Bright, J. (Manchester)
 Broadhurst, H.
 Brogden, A.
 Brown, A. H.
 Bryce, J.
 Burt, T.
 Buzzard, M. C.
 Buxton, F. W.
 Byrne, G. M.
 Caine, W. S.
 Campbell, J. A.
 Carbutt, E. H.
 Cavendish, Lord E.
 Chambers, Sir T.
 Courtney, L. H.
 Cowan, J.
 Craig, W. Y.
 Cunliffe, Sir R. A.
 Davey, H.
 Davies, D.
 Davies, R.
 Dilke, A. W.
 Dundas, hon. J. C.
 Edwards, P.
 Ewart, W.
 Farquharson, Dr. R.
 Firth, J. F. B.
 Fitzwilliam, hon. C. W. W.
 Fitzwilliam, hn. W. J.
 Fitzwilliam, hon. W.
 Flower, C.
 Foljambe, F. G. S.
 Fowler, H. H.
 Fowler, W.
 Fry, L.
 Fry, T.
 Givan, J.
 Gladstone, H. J.
 Gladstone, W. H.
 Gourley, E. T.
 Gower, hon. E. F. L.
 Grafton, F. W.
 Grant, A.
 Greer, T.
 Grey, A. H. G.
 Havelock-Allan, Sir H.
 Henderson, F.
 Heneage, E.
 Herschell, Sir F.
 Hibbert, J. T.
 Holland, S.
 Howard, E. S.
 Howard, J.
 Hughes, W. B.
 Illingworth, A.
 Ingram, W. J.
 James, C.
 James, W. H.
 Jardine, R.
 Jenkins, D. J.
 Joicey, Colonel J.
 Lambton, hon. F. W.
 Lawson, Sir W.
 Leatham, E. A.
 Leatham, W.
 Leigh, hon. G. H. C.
 Lewis, C. E.
 Lloyd, M.
 Lusk, Sir A.
 Mackie, R. B.
 Mackintosh, C. F.
 MacIver, P. S.
 M'Arthur, A.
 M'Arthur, W.
 M'Clure, Sir T.
 M'Coan, J. C.
 M'Intyre, Æ. J.
 M'Lagan, P.
 M'Laren, C. B. B.
 M'Minnies, J. G.
 Magniac, C.
 Maitland, W. F.
 Mappin, F. T.
 Mason, H.
 Middleton, R. T.
 Milbank, F. A.
 Moore, A.
 Morgan, rt. hn. G. O.
 Morley, S.
 Noel, E.
 O'Connor, A.
 Palmer, C. M.
 Palmer, G.
 Palmer, J. H.
 Parker, C. S.
 Pease, A.
 Pease, J. W.
 Peddie, J. D.
 Playfair, rt. hon. L.
 Potter, T. B.
 Powell, W. R. H.
 Power, J. O'C.
 Price, Sir R. G.
 Pugh, L. P.
 Ramsay, J.
 Ramsay, Lord
 Redmond, W. A.
 Reed, Sir C.
 Reed, E. J.
 Richard, H.
 Richardson, J. N.
 Roberts, J.
 Russell, Lord A.
 Rylands, P.
 St. Aubyn, Sir J.
 Sheridan, H. B.
 Stafford, Marquess of
 Stanton, W. J.
 Stewart, J.
 Sullivan, A. M.
 Thompson, T. C.
 Trevelyan, G. O.
 Verney, Sir H.
 Vivian, A. P.
 Vivian, H. H.

Waugh, E.
 Webster, Dr. J.
 Wedderburn, Sir D.
 Whitley, E.
 Whitwell, J.
 Whitworth, B.
 Williams, B. T.
 Williams, W.
 Williamson, S.

Wilson, C. H.
 Wilson, Sir M.
 Winn, R.
 Woodall, W.

TELLERS.

Birley, H.
 Stevenson, J. C.

Question proposed, "That those words be there added."

MR. J. W. PEASE said, that inasmuch as he had already addressed the House with regard to the Amendment which stood in his name on the Paper, he should not then enter again upon an explanation of it. He begged to move his Amendment.

Amendment proposed to the said proposed Amendment,

To leave out all the words after the word "apply," to the end of the Question, in order to add the words "as nearly as possible to the whole of that day, making such provision only for the sale during limited hours of beer, ale, porter, cider, or perry, for consumption off the premises in the country; and, for the requirements of the inhabitants of the Metropolitan district, as may be found needful to secure public co-operation in the alteration of the Law,"

—(Mr Pease,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the said proposed Amendment."

MR. STEVENSON said, that as his Motion had then become the substantial one, he wished to say that the terms of it were precisely the same as those of the Motion on which the Sunday Closing Act for Ireland had been afterwards founded, with the exception of the simple alteration of the words "England and Wales" instead of Ireland. That Motion had been introduced by the late hon. Member for County Londonderry (Mr. Smyth), and was carried by a large majority, with which the present Home Secretary (Sir William Harcourt) voted.

Question put, and *negatived*.

Words *added*.

Main Question, as amended, put.

Resolved, That, in the opinion of this House, it is expedient that the Law which limits the hours of sale of intoxicating drinks on Sunday in England and Wales should be amended so as to apply as early as possible to the whole of that day, making such provision only for the sale during limited hours of beer, ale, porter, cider,

to speak for all the Members of the Cabinet.

SIR R. ASSHETON CROSS: Wait a moment, and you will see what I mean. On a question of this kind I do not think there ought to be a difference between Members of the same Government. You were discussing the other day the question as to Local Option, and the right hon. Gentleman said that he was in favour of Local Option on one part of the question, but that, in his opinion, Local Option on the other part of the question could not be sustained. That only makes my case stronger. We had the Secretary of State a promoter of Local Option, while the Prime Minister was against it. The suggestion of the Prime Minister was that it was a very grave question which required discussion. The right hon. Gentleman did not know whether there ought to be a restriction on the number of public-houses or free trade altogether. When the Government brought forward that great measure which they were pledged to do by the Prime Minister and the Secretary of State this evening, I hope they will deal with the whole question and at an early period. But let the Government make up its mind. The Prime Minister says one thing, the Secretary of State another. The Government ought to make up its mind whether they will have free trade or restriction. I think the introducer of this Resolution has made a great mistake. I think it would check public opinion, and I hope it will not be pressed to a division. If it be, I must vote against it. I will follow the Secretary of State, who has said the proper course will be to move that the Speaker should leave the Chair, which is equivalent to the Previous Question. The Government has undertaken to deal with the whole question next Session. [SIR WILLIAM HARCOURT dissented.] At all events, the Prime Minister has said so. Whenever that measure is brought in, I and my Colleagues will give it careful consideration. [*A laugh.*] Notwithstanding that laugh, I can honestly say that if it is calculated to promote temperance without breaking through the general principles of legislation, I and my Colleagues will give it careful consideration, not in a spirit of hostility, but with every desire to support and carry it into effect.

Sir William Harcourt

Question put.

The House divided:—Ayes 117; Noes 153: Majority 36.

AYES.

Ashmead-Bartlett, E.	Leamy, E.
Bailey, Sir J. R.	Leeman, J. J.
Bass, A.	Leigh, R.
Bentinck, rt. hn. G. C.	Leighton, S.
Birkbeck, E.	Litton, E. F.
Blackburne, Col. J. I.	Loder, R.
Broadley, W. H. H.	Long, W. H.
Brodrick, hon. W. St. J. F.	Lowther, hon. W.
Bruce, rt. hon. Lord C.	Lyons, R. D.
Burnaby, G. E. S.	Macdonald, A.
Buxton, Sir R. J.	Makins, Colonel
Churchill, Lord R.	Manners, rt. hon. Lord J.
Clive, Col. hon. G. W.	Martin, P.
Cobbold, T. C.	Master, T. W. C.
Coddington, W.	Maxwell, Sir H. E.
Coope, O. E.	Miles, Sir P. J. W.
Courtauld, G.	Mills, Sir C. H.
Crompton-Roberts, C.	Monckton, F.
Cross, rt. hn. Sir R. A.	Morgan, hon. F.
Cubitt, right hon. G.	Murray, C. J.
Daly, J.	Musgrave, Sir R. C.
Davenport, H. T.	Northcote, H. S.
Duckham, T.	O'Gorman Mahon, Col.
Dyott, Colonel R.	The
Egerton, Sir P. G.	Onslow, D.
Egerton, hon. W.	Patrick, R. W. C.
Emlyn, Viscount	Philips, R. N.
Estcourt, G. S.	Portman, hn. W. H. B.
Fawcett, rt. hon. H.	Powell, W.
Feilden, Major-General R. J.	Power, R.
Fenwick-Bisset, M.	Puleston, J. H.
Filmer, Sir E.	Rendlesham, Lord
Folkestone, Viscount	Rolls, J. A.
Forster, Sir C.	Ross, A. H.
Fort, R.	Rothschild, Sir N. M. de
Fremantle, hon. T. F.	Russell, Sir C.
Gabbett, D. F.	Schreiber, C.
Galway, Viscount	Scott, Lord H.
Gardner, R. Richard-son.	Scott, M. D.
Garnier, J. C.	Seely, C. (Lincoln)
Goldney, Sir G.	Severne, J. E.
Guest, M. J.	Smith, A.
Halsey, T. F.	Smithwick, J. F.
Hamilton, right hon. Lord G.	Talbot, C. R. M.
Harcourt, rt. hon. Sir W. G. V. V.	Talbot, J. G.
Hardcastle, J. A.	Thornhill, T.
Hartington, Marq. of	Thynne, Lord H. F.
Harvey, Sir R. B.	Tollemache, hon. W. F.
Hayter, Sir A. D.	Torrens, W. T. M. C.
Hermon, E.	Tottenham, A. L.
Holland, Sir H. T.	Walrond, Col. W. H.
Holms, J.	Warton, C. N.
Hope, rt. hn. A. J. B. B.	Watney, J.
Jackson, W. L.	Wiggin, H.
Johnson, W. M.	Williams, O. L. C.
Labouchere, H.	Wilmot, Sir J. E.
Lacon, Sir E. H. K.	Wodehouse, E. R.
Lawrence, Sir T.	Wolff, Sir H. D.
Laycock, R.	Yorke, J. R.

TELLERS.

Hill, S.
Worms, Baron H. de

NOES.

Agar - Robartes, hon. T. C.
Allen, H. G.
Allen, W. S.
Anderson, G.
Archdale, W. H.
Armitstead, G.
Barran, J.
Baxter, rt. hon. W. E.
Beresford, G. De la P.
Biddulph, M.
Biggar, J. G.
Blake, J. A.
Bolton, J. C.
Borlase, W. C.
Brett, R. B.
Bright, J. (Manchester)
Broadhurst, H.
Brogden, A.
Brown, A. H.
Bryce, J.
Burt, T.
Buzard, M. C.
Buxton, F. W.
Byrne, G. M.
Caine, W. S.
Campbell, J. A.
Carbutt, E. H.
Cavendish, Lord E.
Chambers, Sir T.
Courtney, L. H.
Cowan, J.
Craig, W. Y.
Cunliffe, Sir R. A.
Davey, H.
Davies, D.
Davies, R.
Dilke, A. W.
Dundas, hon. J. C.
Edwards, P.
Ewart, W.
Farquharson, Dr. R.
Firth, J. F. B.
Fitzwilliam, hon. C. W. W.
Fitzwilliam, hn. W. J.
Fitzwilliam, hon. W.
Flower, C.
Foljambe, F. G. S.
Fowler, H. H.
Fowler, W.
Fry, L.
Fry, T.
Givan, J.
Gladstone, H. J.
Gladstone, W. H.
Gourley, E. T.
Gower, hon. E. F. L.
Grafton, F. W.
Grant, A.
Greer, T.
Grey, A. H. G.
Havelock-Allan, Sir H.
Henderson, F.
Heneage, E.
Herschell, Sir F.
Hibbert, J. T.
Holland, S.
Howard, E. S.
Howard, J.
Hughes, W. B.
Illingworth, A.
Ingram, W. J.
James, C.
James, W. H.
Jardine, R.
Jenkins, D. J.
Joicey, Colonel J.
Lambton, hon. F. W.
Lawson, Sir W.
Leatham, E. A.
Leatham, W.
Leigh, hon. G. H. C.
Lewis, C. E.
Lloyd, M.
Lusk, Sir A.
Mackie, R. B.
Mackintosh, C. F.
MacIver, P. S.
M'Arthur, A.
M'Arthur, W.
M'Clure, Sir T.
M'Coan, J. C.
M'Intyre, A. J.
M'Lagan, P.
M'Laren, C. B. B.
M'Minnie, J. G.
Magniac, C.
Maitland, W. F.
Mappin, F. T.
Mason, H.
Middleton, R. T.
Milbank, F. A.
Moore, A.
Morgan, rt. hn. G. O.
Morley, S.
Noel, E.
O'Connor, A.
Palmer, C. M.
Palmer, G.
Palmer, J. H.
Parker, C. S.
Pease, A.
Pease, J. W.
Peddie, J. D.
Playfair, rt. hon. L.
Potter, T. B.
Powell, W. R. H.
Power, J. O'C.
Price, Sir R. G.
Pugh, L. P.
Ramsay, J.
Ramsay, Lord
Redmond, W. A.
Reed, Sir C.
Reed, E. J.
Richard, H.
Richardson, J. N.
Roberts, J.
Russell, Lord A.
Rylands, P.
St. Aubyn, Sir J.
Sheridan, H. B.
Stafford, Marquess of
Stanton, W. J.
Stewart, J.
Sullivan, A. M.
Thompson, T. C.
Trevelyan, G. O.
Verney, Sir H.
Vivian, A. P.
Vivian, H. H.

Waugh, E.
Webster, Dr. J.
Wedderburn, Sir D.
Whitley, E.
Whitwell, J.
Whitworth, B.
Williams, B. T.
Williams, W.
Williamson, S.
Wilson, C. H.
Wilson, Sir M.
Winn, R.
Woodall, W.

TELLERS.

Birley, H.
Stevenson, J. C.

Question proposed, "That those words be there added."

MR. J. W. PEASE said, that inasmuch as he had already addressed the House with regard to the Amendment which stood in his name on the Paper, he should not then enter again upon an explanation of it. He begged to move his Amendment.

Amendment proposed to the said proposed Amendment,

To leave out all the words after the word "apply," to the end of the Question, in order to add the words "as nearly as possible to the whole of that day, making such provision only for the sale during limited hours of beer, ale, porter, cider, or perry, for consumption off the premises in the country; and, for the requirements of the inhabitants of the Metropolitan district, as may be found needful to secure public co-operation in the alteration of the Law," —(Mr Pease,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the said proposed Amendment."

MR. STEVENSON said, that as his Motion had then become the substantial one, he wished to say that the terms of it were precisely the same as those of the Motion on which the Sunday Closing Act for Ireland had been afterwards founded, with the exception of the simple alteration of the words "England and Wales" instead of Ireland. That Motion had been introduced by the late hon. Member for County Londonderry (Mr. Smyth), and was carried by a large majority, with which the present Home Secretary (Sir William Harcourt) voted.

Question put, and *negatived*.

Words *added*.

Main Question, as amended, put.

Resolved, That, in the opinion of this House, it is expedient that the Law which limits the hours of sale of intoxicating drinks on Sunday in England and Wales should be amended so as to apply as early as possible to the whole of that day, making such provision only for the sale during limited hours of beer, ale, porter, cider,

or perry, for consumption off the premises in the country; and, for the requirements of the inhabitants of the Metropolitan district, as may be found needful to secure public co-operation in any alteration of the Law.

SUPPLY.—COMMITTEE.

Resolved, That this House will immediately resolve itself into the Committee of Supply.

LORD FREDERICK CAVENDISH said, he begged to move that Mr. Speaker do leave the Chair in order to enable the Government to take a Vote on Account.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Lord Frederick Cavendish.*)

SIR R. ASSHETON CROSS said, he wished to make a remark with regard to taking Votes on Account. They knew that the right hon. and hon. Gentlemen who then occupied seats on the Treasury Bench did not always agree with taking such Votes. He did not wish to interfere with the proposal at all; but he desired to state that he thought if Supply had been arranged as it ought to have been such Votes would not have been required. He would not oppose the Motion of the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish); but he wished to recall to their minds what was said on that subject when the late Government was in Office. He trusted they would not think he was placing obstacles in the way. He quite admitted that such a step as that proposed was rendered necessary this year from the somewhat peculiar position of the Government only having been in Office so short a time, and there being many measures which they wished to bring forward. He only rose to say that he hoped that that Motion would not be made a precedent, but that Government would follow the good advice which was tendered to them (the preceding Government) when the present Government were in Opposition—namely, that Supply should not be put aside because certain measures of the Government had to be brought forward. He hoped that the proposed Vote on Account would be the last, and that the Government would take care that before the Vote now asked for was expended to put Supply down in such a manner as that it might be unnecessary

to take any more such Votes during the present Parliament.

THE MARQUESS OF HARTINGTON said, that he did not think it possible for anything that was done in that matter that Session to be taken as a precedent hereafter, because of the peculiar circumstances of the case. The late Government had thought it necessary to have a Dissolution of Parliament in the middle of the Session, and in consequence of the change of Government there had necessarily been to a very great extent disorganization of the Business of the House. Therefore, the proceedings in a late Session such as the present could hardly be taken to be usual. He felt bound to observe that the necessity of taking a Vote on Account did not arise from any undue pressure of the Government in bringing forward their own measures, for they had always arranged for Supply to come on in the usual course; but owing to the shortness of the Session they had had little or no opportunity of taking Committee of Supply. He did not think that the right hon. Gentleman (Sir R. Assheton Cross) would have anything different to propose with reference to propose with reference to that matter; but he wished it to be understood that the conduct of the late Government was not in the slightest degree reflected upon by the Motion then before the House.

MR. RYLANDS said, he had taken a great interest in the discussions on Votes on Account; and, although he disliked them, he thought they were necessary in the case of a late Session, such as the present. The right hon. Gentleman the late Home Secretary (Sir R. Assheton Cross) had recognized the peculiar circumstances of the present Session; the present Government had only been in Office for a very short time, and, of course, they were all aware that during two months of the Session it had been quite impossible to proceed with any Public Business whatever. He was glad to find that the right hon. Gentleman had referred to the course which had been taken in former Parliaments. He (Mr. Rylands) recollected having opposed the then Government for having brought forward Votes on Account at late periods of the year, and it should be remembered that the right hon. Gentleman who was then in Office justified the late Government in asking for Votes on Account. For his

own part he thought there could be no defence made for dealing with matters of Supply in that way; but, under the peculiar circumstances of the case, he did not see how in this instance it was to be avoided. He considered that it was incumbent on them to assist the Government in that matter, inasmuch as it had been impossible to bring Supply on at an earlier period.

SIR ANDREW LUSK said, he did not wish to oppose the Motion for a Vote on Account; but, at the same time, he did not like the mode of procedure of that kind which had been in vogue for the last two or three years. It had been said that the circumstances of the case were peculiar; but if they were so it was nothing new, for they had been in a similar position often before, and he must say he objected to the Business of the country being done in that way. The fact of the matter was this—and he wished to tell the Government so—that there were too many Bills brought in, and in consequence the financial affairs of the nation were pushed into a corner, and in many cases voted without any notice being given. That was not the right way to do the Business of the House. He himself would probably never occupy a seat on the Front Bench, and he cared little what Party was in power so long as the Business of the nation was properly attended to. He had no wish to oppose the Motion; but he did hope that there would be a change in the mode of doing business.

MR. MAGNIAC said, no doubt the present circumstances were peculiar, and he did not see how the proposed course could be avoided. They were all aware that there had previously been as much as £4,000,000 absorbed, in providing for the debt of the country which had not been provided for out of Ways and Means. Under the circumstances existing last Session, he thought the House had afforded every facility to the then Government, and he had no doubt but that the House would acquiesce in the Motion then before them. The noble Lord (Lord Frederick Cavendish) must, however, expect that all the Estimates would receive, not only a severe, but a rigid examination when Votes on Account were taken in that manner. It was no more than right that the House should expect that when any Gentleman criticized the Estimates he should receive

full explanation of the various Votes. He had observed, in the course of the discussion on the Estimates, that excuses had been given on account of the Estimates of the Predecessors of the present Government. He must say that he was of opinion that they had heard sufficient on that subject, when he came to consider the advantages which had accrued to hon. Gentlemen in Office from the change of Government. He had often heard it said, when a man came into a large estate, that he would have been much richer without it; but he never heard of any gentleman giving up the estate on account of the great trouble which it entailed. That was, he considered, the position of the Government. They had received a legacy, which was attended with considerable difficulty, no doubt, from their Predecessors; but, at the same time, they had received a legacy both of honour and responsibility, and he thought it was their bounden duty to fall in with the feeling prevalent in the country, and to give a full and fair explanation whenever anyone chose to criticize the Estimates. Under those circumstances, he felt sure that when the Estimates came on full criticism would be allowed and a full explanation given.

LORD GEORGE HAMILTON said, he wished to make a remark with reference to the time that Vote on Account was calculated to last. The sum of £100,000 put down for purposes of education—which was the subject with which he was most acquainted—would not last a fortnight. Of course, if there was a sum already voted which had not been spent, that might be added to the sums now asked for. It seemed to him, however, that the sum then applied for was not sufficient for a period of six weeks.

SIR H. DRUMMOND WOLFF said, that if the Vote was carried the period at the expiration of six weeks would be rather a late one for the Estimates. He thought that it was most inconvenient that those Votes should be taken when the right hon. Gentleman the Prime Minister was not present. The responsible Ministers were not then there, and he really thought that was not respectful to the House. The noble Lord the Secretary of State for India (the Marquess of Hartington) was really the only Minister of consequence that he saw on the Treasury Bench; and he really thought that it was not respectful to the House, when

they were asked to give blind confidence to the Government in a Vote which would carry them on to the middle of August, that the Prime Minister, who was also Chancellor of the Exchequer, was not present to answer any questions that might be put.

LORD FREDERICK CAVENDISH said, that in reply to the noble Lord (Lord George Hamilton), he wished to say that he believed that the sum now asked for for educational purposes would be found to be sufficient. With regard to the remarks of the hon. Member for Portsmouth (Sir H. Drummond Wolff), he would only say he would do all in his power to bring forward the Estimates so that they might be properly discussed.

MR. PARNELL said, he wished to mention a matter for which he saw the Government proposed a vote of £190,000—namely, the Vote for the Irish Constabulary. It was a question that had never been sufficiently debated in that House; and yet there were important considerations connected with that Force, as at present constituted, which it would be necessary to bring before the House of Commons. By that custom of taking Votes on Account, the Irish Estimates were habitually pushed back to the end of the Session, when there were no adequate means for discussion. He knew there were excuses for the present Government in reference to the course proposed to be adopted. That was practically the first Vote on Account the present Government had taken, although he did not think that it was the first that had been taken under those Estimates, so there was some excuse. He hoped the noble Lord the manager of that Business in the House (Lord Frederick Cavendish) would be able to see his way to giving an assurance to the Irish Members that a fair opportunity would be afforded on a subsequent stage for discussing the Vote of the Irish Constabulary.

MR. FINIGAN said, he thought that if the noble Lord who had charge of those Estimates would give a definite assurance that the questions regarding the enormous sum of money which was then to be voted for purposes which partially referred to the maintenance of a Military Force would be allowed to be taken on some definite day, the Irish Members would really be quite content. Looking over the abstract of the Estimates which that Vote referred to, he

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found that there was no real work proposed to be done under them in regard to that part of the country with which he was himself connected. There was, in fact, only a sum of £2,500 asked for, which was for work to be done on the Shannon. That was really a small sum, considering the fact that that river ran through a district which really was very much in need of labour.

MR. SPEAKER: The hon. Member is now discussing the Vote, and is out of Order.

Question put, and *agreed to*.

SUPPLY — CIVIL SERVICES AND REVENUE DEPARTMENTS.

SUPPLY—*considered* in Committee.

(In the Committee.)

Motion made, and Question proposed,

“That a further sum, not exceeding £1,842,500, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments for the year ending on the 31st day of March 1881, viz. :—

CIVIL SERVICES.

CLASS I.—PUBLIC WORKS AND BUILDINGS.

Great Britain :—

	£
Royal Palaces	4,700
Marlborough House	300
Royal Parks and Pleasure Gardens ..	14,100
Houses of Parliament	4,500
Public Buildings	14,600
Furniture of Public Offices	2,000
Revenue Department Buildings	23,000
County Court Buildings	6,300
Metropolitan Police Courts	3,500
Sheriff Court Houses, Scotland	1,000
New Courts of Justice, &c.	14,000
Courts of Law and Offices, Edinburgh ..	-
Surveys of the United Kingdom	16,700
Science and Art Department Buildings ..	2,500
British Museum Buildings	600
Natural History Museum	3,700
Edinburgh University Buildings	-
Harbours, &c. under Board of Trade ..	2,500
Rates on Government Property (Great Britain and Ireland)	25,000
Metropolitan Fire Brigade	2,500

Ireland :—

Public Buildings	18,600
Science and Art Museum, Dublin	200
Shannon Navigation	2,500

Abroad :—

Lighthouses Abroad	1,400
Diplomatic and Consular Buildings	2,700

**CLASS II.—SALARIES AND EXPENSES OF
PUBLIC DEPARTMENTS.**

Scotland:— £
Board of Supervision 2,300

CLASS III.—LAW AND JUSTICE.

England:— £
Chancery Division, High Court of Justice 20,500
Queen's Bench, &c. Divisions, High Court of Justice 12,800
Probate, &c. Registries, High Court of Justice 11,600
Admiralty Registry, High Court of Justice 1,500
Wreck Commission 1,700
Bankruptcy Court (London) 4,600
County Courts 57,000
Land Registry 700
Revising Barristers, England -
Police Courts (London and Sheerness) 1,700
Metropolitan Police 75,000
County and Borough Police, Great Britain (for Inspection only) 400
Convict Establishments in England and the Colonies 54,600
Prisons, England 60,000
Reformatory and Industrial Schools, Great Britain 66,000
Broadmoor Criminal Lunatic Asylum 3,200

Scotland:—
Lord Advocate, and Criminal Proceedings 8,300
Courts of Law and Justice 7,700
Register House Departments 4,500
Prisons, Scotland 10,200

Ireland:—
Law Charges and Criminal Prosecutions 10,800
Chancery Division, High Court of Justice 4,800
Queen's Bench, &c. Divisions, ditto 3,500
Land Judges' Offices, ditto 1,400
Probate, &c. Registries, ditto 1,400
Court of Bankruptcy 1,300
Admiralty Court Registry 250
Registry of Deeds 2,500
Registry of Judgments 350
County Court Officers, &c. 10,300
Dublin Metropolitan Police (including Police Courts) 17,300
Constabulary 190,000
Prisons, Ireland 18,200
Reformatory and Industrial Schools 11,400
Dundrum Criminal Lunatic Asylum 800

**CLASS IV.—EDUCATION, SCIENCE, AND
ART.**

England:— £
Public Education 100,000
Science and Art Department 40,000
British Museum 10,000

£
National Gallery 2,200
National Portrait Gallery 300
Learned Societies, &c. 2,000
London University 1,400
Deep Sea Exploring Expedition (Report) 600
Sydney and Melbourne International Exhibitions 500

Scotland:—
Public Education 30,000
Universities, &c. 2,300
National Gallery 300

Ireland:—
Public Education 35,000
Teachers' Pension Office 300
Endowed Schools Commissioners 100
National Gallery 300
Queen's University 700
Queen's Colleges 1,700
Royal Irish Academy 250

**CLASS V.—COLONIAL, CONSULAR, AND
OTHER FOREIGN SERVICES.**

£
Diplomatic Services 29,000
Consular Services 31,000
Colonies, Grants in Aid 4,500
Orange River Territory and St. Helena 300
Suez Canal (British Directors) 200
Suppression of the Slave Trade 900
Tonnage Bounties, &c. 1,500
Cyprus Police 3,200
Subsidies to Telegraph Companies -

**CLASS VI.—SUPERANNUATION AND RE-
TIRED ALLOWANCES, AND GRATUITIES
FOR CHARITABLE AND OTHER PUR-
POSES.**

£
Superannuation and Retired Allowances 50,000
Merchant Seamen's Fund Pensions, &c. 3,500
Relief of Distressed British Seamen Abroad 4,000
Pauper Lunatics, England -
Pauper Lunatics, Scotland -
Pauper Lunatics, Ireland -
Hospitals and Infirmaries, Ireland 2,100
Savings Banks and Friendly Societies Deficiency -
Miscellaneous Charitable and other Allowances, Great Britain 500
Miscellaneous Charitable and other Allowances, Ireland 550

**CLASS VII.—MISCELLANEOUS, SPECIAL,
AND TEMPORARY OBJECTS.**

£
Temporary Commissions 7,000
Miscellaneous Expenses 800

Total for Civil Services £1,212,500

REVENUE DEPARTMENTS.

	£
Customs	65,000
Inland Revenue	100,000
Post Office	205,000
Post Office Packet Service	100,000
Post Office Telegraphs	170,000
Total for Revenue Departments	£630,000
Grand Total	£1,842,500

MR. PARNELL said, he would now make the request to the noble Lord (Lord Frederick Cavendish) to which he had already referred. He trusted that he would be able to give them an assurance that the Government would afford an opportunity for discussing the Vote as regards the Irish Constabulary.

LORD FREDERICK CAVENDISH said, he could not at present state the day on which it would be possible to take the Vote. The hon. Member might, however, be sure that it would be taken shortly.

LORD RANDOLPH CHURCHILL said, he wished to ask a question of the noble Lord with regard to Class IV. (Ireland). He saw there was a Vote of £640 for the Endowed Schools Commissioners. There were, however, two sets of those in Ireland—there were, first, the Commissioners of Education, who were a permanent body; and then there was a temporary Commission of Inquiry into the condition of schools. Which Commissioners did the Vote affect? Secondly, he wished to say that the Endowed Schools Commissioners, appointed by the late Lord Lieutenant for a temporary purpose, of which he himself (Lord Randolph Churchill) was a Member, applied for an extension of time, as they found that they could not complete their task by the day fixed—namely, the 13th of June. They had applied for that extension, and up to the last few days, as far as he could hear, there had been no answer. It was of importance that there should be such an extension. A representation had been made to the right hon. Gentleman the Chief Secretary for Ireland, and no definite answer had been received. If that Irish Vote referred to that body, he should be glad to know if the extension of time applied for would be granted.

LORD FREDERICK CAVENDISH said, that if the noble Lord would repeat his question on the Report of the Com-

mittee he would be happy to give him a reply; but he could not do so now.

LORD RANDOLPH CHURCHILL said, that the Commission would have reported long ago had it not been for the dilatory proceedings of the Treasury. He believed that for three months there had been no answer.

SIR H. DRUMMOND WOLFF said, he wished to ask a question with regard to acquiring the consular buildings in the several capitals of Europe. The Berlin Embassy House was hired at a very high rate; and he thought it would be economy to buy it. At Cairo, also, the house was hired at a very high rate; and it was perfectly clear that they would always require a considerable establishment to be kept there. He should like to know whether any progress had been made with regard to purchasing those houses. The house at Brussels, also, was hired at an enormous rate. He would not trouble the noble Lord to give a direct answer, if he would give an assurance that the Vote would be brought on in time for fair discussion, and that it would not be put off till the end of the Session, when no time would be at disposal for discussing it.

LORD FREDERICK CAVENDISH said, with respect to the inquiry that had just been made by the hon. Member for Portsmouth (Sir H. Drummond Wolff), he would observe that, little as the Government liked those Votes on Account, they disliked Supplementary Votes still more. It was simply impossible to consider a larger Supplementary Vote at that time.

MR. P. MARTIN said, with regard to the remarks which had fallen from the noble Lord the Member for Woodstock (Lord Randolph Churchill), he must say that the operations of the Commission he had referred to were exceedingly slow. They were looking forward to the time when they should see that Commission brought to a close. He did trust that, having been in existence over two years, no extension of time would be given to it. He felt sure that when the Treasury had carefully inquired into the matter no such extension would be granted.

MAJOR NOLAN said, that with reference to Class III., referring to the Business of Ireland, he should like to ask the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish), or

he and his brother were in precisely the same position as regarded duties. A promise had been held out for a very long time that something should be done to improve the condition of the Irish officials, and he hoped the Government would now carry it out.

LORD FREDERICK CAVENDISH wished to suggest to the Committee that these matters might be much better discussed on the individual Votes. He might also observe that, although they always heard the Committee of Supply was for the object of checking the expenditure of the Government, yet the tendency throughout this debate had been to increase the expenditure. With reference to the question just raised, he would be very happy to talk it over with the hon. Member.

An hon. MEMBER pointed out, that while it was proposed to spend £20,000 for Shannon works, the Government only took £2,500 for the next six weeks, while those weeks were the very best of the whole year. If the Government acted in this way, the greatest possible distrust would be aroused in the minds of everybody along the banks of the river. The Government ought to utilize every means in their power to give relief. These works were one of the best means for that purpose; and, therefore, he hoped the noble Lord would explain why he had not spent more than this £2,500.

MAJOR NOLAN said, there was a reason why Irish Members should be more constant in discussing these finance questions than English Members, because the officials in the two countries were totally different. The English Members were able to go to the Departmental officers and discuss points of interest with them, and they always found those officials ready to pay great attention; but Irish Members had no means of communicating with those Boards in Ireland, or using any influence on them except through debates in the House of Commons. That was a misfortune; but it was, nevertheless, a fact that they had no opportunity of getting anything done from influence brought to bear, except through debates in that House. They were not, therefore, doing their duty to the constituents if they did not press these matters on the Government on every conceivable occasion. On the Report, he hoped the noble Lord

would give them an answer as to convict establishments. That question had been reported on several times, and the late Government were very much in favour of the proposal. He also wished to call attention to the question of training schools. There were certain training establishments for teachers, the instruction given in which was very good; but, on the other hand, there was a strong dislike to sending children to be trained among persons who held certain denominational views, and it was held that the Government ought to deal with the question, so as to remove one great blot on their primary system. The change which had been recommended, also, would not cost any money—the only result being that more teachers might be trained.

LORD FREDERICK CAVENDISH replied, that he could only repeat, what he had already said in reference to the Shannon works, that the contract had been entered into and the work begun. It was utterly impossible to say, however, how the work should be contracted. With respect to the convict establishments, he would be prepared to make a statement on the Report; and he did not think the hon. and gallant Gentleman would expect him to deal with the question fully at that moment.

MR. FINIGAN said, he did not blame this Government or the late Government, but he did blame the Irish Board of Works which was a resident body. He had been given to understand that this Board of Works was to be re-constituted and made really a responsible body. Until this was done, he must quite agree with his hon. and gallant Friend opposite that they must appeal to the Government here. He might also add that the Clare Castle Harbour works were connected with the Shannon works. All that the place wanted was re-building, it having fallen out of repair for want of proper attention by the Irish Board of Works.

Question put, and *agreed to.*

House *resumed.*

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

neglect of the Liberal Government which refused to make proper provision in order to secure proper precautions. The present Embassy was a very cheap house, for the land was presented by the Sultan. It was built at a very cheap rate, and the cost of hire would be a very good interest on money expended. He did not usually agree with his hon. Friend opposite; but on this occasion he agreed with him, as he thought, rather less than usual. He hoped the noble Lord would consider this question carefully, because it was a very great economy to the country; and by judicious building they would save much expense.

LORD HENRY SCOTT hoped that he would be pardoned for rising to address a few words to the Committee, but he happened to know something about this Embassy house; and, although a great sum of money had been laid out on it, he was able to say that it had been built very well, and of substantial materials. As to the fire, that was a matter of pure accident which might happen to any house. He merely wished to support the statement of his hon. Friend, that the money was very well invested in this way, and it was better to pay a reasonable sum for building an Embassy house, than to pay large yearly sums for hiring one.

MR. FINIGAN wished to ask some Questions about works on the Shannon, in Ennis, at a place called Clare Castle. About six months back he was told by the Treasury that those works would be at once proceeded with, and he was innocent enough to believe them. Since then he had found that those promises were untrustworthy; and, on the other hand, he was much troubled by questions from his constituents why the Liberal Government did not carry out what the Conservative Government had promised, but had refused to do? This money was not money given by the Treasury at all, but it was simply money obtained from shipping coming into harbour. Therefore, he could not at all understand why the Treasury did not keep these promises and carry out these works. If he received a definite promise that that should be done, he would be very happy not to oppose the Vote; but in the meantime he should certainly feel obliged to do so. These works

were in a distressed district, and, therefore, they ought to be conceded for the benefit of the population.

MR. NORTHCOTE rose to support the statement made by his hon. Friend the Member for Portsmouth in regard to the accommodation at the Embassies. With regard to that at Constantinople, he might be allowed to confirm the statement; and, for his part, he believed it to be a real economy of expenditure if the Government would see their way to purchase a permanent residence at most of the capitals. As an ex-diplomatist himself, he ventured to make an appeal to the noble Lord opposite to see if some scheme of this kind could not be carried out.

LORD FREDERICK CAVENDISH said, for his part, he believed these proposals might better be supported as a matter of generosity to the Diplomatic Service than as a matter of economy. He believed the erection of buildings for the Embassies had not, as a rule, been found economical. There were certain cases, of course, in which it was almost necessary, or, at any rate, certainly desirable. Those cases were, from day to day, coming before the Treasury, and he had already had one or two laid before him, and he could assure hon. Members they had received the most careful consideration. At the same time, he could not see that it was the most economical way of providing Embassy houses. As to the Shannon works, they were being proceeded with as rapidly as possible; but from the nature of the work it was impossible to go on fast, because they were begun below and worked up the river. He could assure the hon. Member that the Board of Works were working very energetically at these works, and others similar.

MR. BLAKE called attention to the fact that the Irish officials were paid considerably less than those in England for the same work, although provisions, clothing, lodging, and other expenses of the same kind were quite as heavy in Ireland as in England. At this moment there was an Irishman acting as warder in an English prison who had a brother filling the same post in Ireland, yet the English official had a much larger salary than his brother in Ireland; though he was assured only the other day that both

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That was an inequality, he admitted, which he regretted very much. He should have liked to omit such towns altogether from his Bill, and to allow the rate to apply to the main roads only, paid for out of the county rates; but then there were some towns which had their own quarter sessions, and for which no contribution was made to the county rates, so that would have raised another difficulty. He thought, therefore, there was no alternative but to leave the Bill as drawn; and though the rural districts would not, for the reasons stated, benefit under the Bill in equal proportion with such towns, still they would not be injured by the extra advantage which those towns would get. They would, at any rate, gather a large amount of money into the fund for the maintenance of the roads, and be able to use it in their own districts in a way in which they were not now able or empowered to use it. He believed that the principle of the Bill was sound. It was simply that a rate should be levied locally and expended locally in the maintenance of the roads, taking the place of the old horse duty. He believed that the application of that principle, as provided in the Bill, would injure no one, while, in his opinion, those who kept horses were perfectly willing and able to pay for the advantage or amusement which they derived from them.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Sotherton Estcourt.*)

MR. MAGNIAC said, he could entirely sympathize with the hon. Member who had moved the second reading of this Bill, because it was, he thought, generally admitted not only in that House, but throughout the country, that the highway system was in a most unsatisfactory condition. Everybody knew and acknowledged that the increase of charge upon those who had to pay the cost of the highways had become intolerable. He could cordially support any measure which might be brought in for dealing with that matter, and had himself endeavoured to get a Committee appointed for the purpose, because he believed it would be impossible to deal with it satisfactorily without a full knowledge of facts. The hon. Member had said that the principle of the Bill was that those who used the roads should pay for them; and if the Bill were likely

to obtain that object he should certainly have approved it. But, practically, that would not be the case. The 12th section of the Bill provided that the highway authority were to have power to apply the tax or charge which it was contemplated they should levy to their own purposes. But, in many cases, for instance, where a large number of horses or packs of hounds were kept, the district rates would not obtain any advantage from the tax which the highway authorities imposed. The whole levy might be collected for the sole advantage of one parish. The object was that the tax should take the place of the old turnpike tolls; but there was no reason why they should again recur to the old system of obstructing communications. The country had made a great sacrifice for the purpose of facilitating communications throughout the country; and, having freed the roads, they were now about to charge a tax upon their means of locomotion upon the roads. That, he thought, was not a system which the House would approve. It was impossible to deal with the question except by a much more general system than was proposed in the Bill. The subject was one which, he thought, could not be discussed at that hour of the morning (5 minutes past 1 o'clock), unless in a very perfunctory manner; and he, therefore, begged to move the adjournment of the debate.

Motion made, and Question, "That the Debate be now adjourned,"—(*Mr. Magniac.*)—put, and agreed to.

Debate adjourned till Wednesday next.

MOTIONS.

GLoucester Election Petition— (JUDGES' REPORT).

MOTION FOR A SELECT COMMITTEE.

LORD RANDOLPH CHURCHILL,
in moving—

"That a Select Committee be appointed to inquire into the matter contained in the last paragraph of the Judges' Report on the Gloucester Election Petition, and the circumstances under which the abandonment of the Petition against the return of Mr. Monk took place,"

said, he did not think it would be necessary for him to trouble the House with many remarks in calling attention to the extraordinary and somewhat

HIGHWAYS (HORSE RATE) BILL.

(*Mr. Sotheron Estcourt, Mr. Reginald Yorks, Mr. Chester Master, Mr. Heneage.*)

[BILL 203.] SECOND READING.

Order for Second Reading read.

MR. SOTHERON ESTCOURT, in moving that the Bill be now read the second time, said, he did not propose by the measure which he now had the honour to submit to the House to disturb any present arrangements with respect to the funds by which highways were now maintained. His Bill was simply based upon the principle that those who used the roads should pay for their maintenance; whereas, under the present system, many people by reason of not being rated at all, or not being sufficiently rated, were able to use the highways far more frequently than they were entitled to do. It was proposed by this Bill, which he hoped the House would approve, that Highway Boards should be able to levy a rate of 10s. on every horse within their district, and the amount so raised was to be expended by them on the highways of the district. This rate was not at all intended as an interference with the present system, but merely as a rate in aid of it. He believed it would be very much preferable to any Imperial tax, because, if subventions were given by the Government to the rates, that necessitated Government control and inspection; and, for his part, he believed that it was very much to the public advantage that that sort of control should be as limited as possible. There had been, however, large additions to the rates of late years, and he might mention particularly three as weighing very considerably on the local taxpayers—namely, sanitary matters, education, and roads. Of all these, he believed the highway rate was that which was most particularly felt by all classes of the unfortunate ratepayers. His Bill would not, of course, be necessary if turnpikes had not been done away with; but as those modes of raising funds had now been nearly abolished, this Bill was proposed in order to some extent to take their places. The system of turnpikes had many drawbacks, because a large sum was always wasted in establishment charges; but it also had this merit, that it did carry out the fair and equal principle that those who used

roads should pay for them in proportion as they used them. When that system disappeared, extra rates and burdens were thrown upon the agricultural interest; while many, who for trade or for pleasure used the roads, escaped money payment at all through not being rated, or, at any rate, did not pay anything like a fair amount. The late Government in 1874 abolished the horse tax, and then the Chancellor of the Exchequer, in explaining his statement on the subject, gave the House the figures of the duty at that time. It appeared that the horse tax brought in £410,000 a-year, and the horse dealers' duty and the race-horse duty £70,000 in addition, or, in all, £480,000. The hon. Baronet who had been his (Mr. Estcourt's) Colleague in the last Parliament, commenting at the time on the Chancellor of the Exchequer's speech, said—

“With regard to the remission of the horse duty, he thought some of those who benefited most would be among the richer classes. Local taxation was very heavy, and in danger of being increased, and this was one item which might have helped in its reduction by providing for the expenses of turnpike roads after the trusts had expired.”

His own proposal by this Bill was to attain somewhat of the same end. If the Bill he now proposed were passed, and the tax re-imposed in the shape of a local rate, the sum raised from it, whatever it was, would be expended in the local districts, and would be a real relief of a burden which of late had become almost too heavy for some of the ratepayers. It did not, of course, rest with him to meet by anticipation the objections of the opponents of this Bill; but still he did feel himself bound to look at it fairly, and it certainly was an objection to it that in some respects inequality would result. His proposal was that each Highway Board should have the power of levying this rate. Money should be expended in each highway district. There was, then, this difficulty—namely, that towns having a mayor and corporation, or a local board of their own, were a highway district of themselves. It might happen, of course, in that way, that where horses were kept, for instance, in a hunting town, the money would not go to the relief of the rates of the extended district around, but to the relief of the rates in that town and in that town only.

and that, as it were, irritated by the impression, they appeared to have resolved on a victim—namely, the sitting Member for Gloucester. Now, he could not conceive a more serious charge to bring against a Member of that House than to accuse him of having been a party to a corrupt transaction of a pecuniary nature in order to compound practices which were illegal and even criminal, and also to prevent the House of which he was a Member being placed in possession of the actual facts and circumstances of a contested Election, concerning which the Judges were endeavouring to arrive at the truth. He thought it would be agreed, that if such devices were to be connived at by the House the trial of Election Petitions would become a mere form, and that the constituencies would gradually relapse into that corrupt condition from which recent legislation had endeavoured to rescue them. For that reason—if such an arrangement as was imputed in the Report were proved against a Member—it would be difficult for the House to mark its sense of the evil of such a contract too severely; otherwise, he affirmed that the character of the House would be seriously affected. On the other hand, viewing as he did, and as he thought all hon. Members must view, matters in that light, he could imagine nothing more unjust and nothing more intolerable than that the Judges should, upon grounds of mere suspicion, arising from some cause or other in their own minds, and unsupported by any clear evidence, have imputed a transaction of so corrupt a nature against a Member of the House of Commons, whom they were obliged to declare duly elected, and stigmatize in that marked and permanent manner the character of a Member in a special Report which must ever remain upon the Journals of the House. Therefore, he had brought the Report under the Notice of the House in the interest of Members and in the interest of the House, and, as he had endeavoured to explain, in no sense hostile to the hon. Member for Gloucester, for whom he had a great respect, and who, he was convinced, was incapable of such transactions as were imputed in the Report. He thought the Government had acted rightly in signifying their intention to agree to his Motion for the appointment of a Committee, and that the hon. Member had done

wisely in giving it his support. Should it turn out, as he had no doubt it would, that the Committee reported there was no foundation for the charges made by the Judges, then he thought it would be the duty of the House to pass a Resolution, not indeed of censure, but of protest and strong remonstrance against judicial aspersions which would have been proved to have been far too lightly and too hastily made. He need only further remark generally that the position of a Member of Parliament was at no time a very easy one. It was a position full of difficulties, anxieties, and responsibilities. The risks which candidates had to run at Elections, without their knowledge and absolutely without their consent, were very great; and whilst it was undoubtedly the duty of the House to insist that Parliamentary Elections should be conducted with a strict and rigid adherence to the dictates of legality, morality, and purity, he ventured to suggest that it was equally the duty of the House, when those conditions had been complied with, to protect its Members from additional anxieties and unnecessary dangers, arising out of Election Petitions, which were calculated seriously to damage their reputation and character, and weaken, if not destroy, their influence for the good of their country. He, therefore, begged to move for the Select Committee of which he had given Notice.

Motion made, and Question proposed,

“That a Select Committee be appointed to inquire into the matter contained in the last paragraph of the Judges' Report on the Gloucester Election Petition, and the circumstances under which the abandonment of the Petition against the return of Mr. Monk took place.”—*(Lord Randolph Churchill.)*

MR. MONK said, he had no objection to the noble Lord, or to any other Member of the House, calling attention to what he fully admitted with the noble Lord to be the very remarkable, not to say extraordinary, Report submitted to the House by the learned Judges whose names were appended to it. But the noble Lord, who must have seen him in his place last Thursday week, had given him no Notice that it was his intention to call the attention of the House on a future day to the Report of the Judges. Had the noble Lord done so, he might have deemed it right at the time to offer some explanation to the House, or, at

striking passages contained in the Report which had been presented to the House by Mr. Justice Hawkins and Mr. Baron Pollock in reference to the Gloucester Election. The last paragraph of the Report was as follows:—

“Under these circumstances, we are not satisfied that the abandonment of the charge against Mr. Monk was not the result of an arrangement made with the view of withholding from us the evidence of the extensive corrupt practices which there is reason to believe have taken place at the Election.”

It was necessary to take the paragraph in connection with the preceding paragraphs of the Report, which was of a very remarkable character. The Judges having reported generally on the Gloucester Election, went on to say—

“And, in further pursuance of the said Acts, we especially report the following matters which arose in the course of the trial, an account of which, in our judgment, ought to be submitted to the House of Commons. The Petition was presented against the said Thomas Robinson and Charles James Monk jointly, and charged them, jointly and severally, with bribery, treating, and intimidation, and undue influence, before, during, and after the said Election.”

The Judges continued—

“On the day before the trial”—[And here he would observe that the Report had evidently been drawn up with the greatest possible care.]—“the Respondent, Thomas Robinson, by a notice under his hand, signified his intention not to oppose the Petition. At the trial, the Respondent, Thomas Robinson, did not appear either in person or by counsel, or otherwise, to oppose the Petition. The Respondent, Charles James Monk, did appear by counsel. The evidence of Joseph Stoddart and John Clement Morris—shorthand notes of which accompany our Report—was abundantly sufficient to satisfy us that bribery had been committed by John Clement Morris, an agent of the said Thomas Robinson; and that he bribed Joseph Stoddart, Thomas Meadows, and a third man whose name was unknown, to vote.”

It was curious that the Judges should have stated that the sitting Member for Gloucester appeared by counsel; and it, no doubt, meant to imply that the appearance by counsel of the sitting Member was one part of the arrangement by which the Judges suspected that the facts had been glossed over. They then proceeded to allude to the evidence of Stoddart, the first witness examined, who said he was asked by Morris to vote for Monk and Robinson. It was also curious that this should have been mentioned, unless there were other circumstances which lent a peculiar strength to it, because it showed that Morris had

acted for both parties, and made a joint canvass. The Judges then say—

“This witness was allowed to leave the box unquestioned by Mr. Monk's counsel. It is due to Mr. Monk to say that Morris, who was afterwards called, denied that he had mentioned Mr. Monk's name; but this was after Stoddart had left the box.”

It would be seen that the Judges qualified that last statement in a way which rather destroyed its value. The Report continued—

“No other evidence was offered with respect to any one of the other cases mentioned in the particulars, and there was no attempt made to establish any one of the charges made against Mr. Monk or his agents. We have no reason to suppose that in delivering the particulars the petitioners acted otherwise than under a belief that they would be in a condition to affect both seats.”

It would appear from this that the learned Judges wished it to be understood that the charges were intended to be brought against both Members. And then they say—

“Before the trial, we believe that the charges of present bribery against Mr. Monk were abandoned, but no application was made to withdraw the charges of corrupt practices through his alleged agents, and his counsel appeared in Court as if those charges were to be persisted in.”

He did not wish the House to be under the impression that he committed himself to the truth of these statements, or to the inferences to be derived from them. He simply pointed out the inferences which arose on the Report. The next paragraphs were as follows:—

“No explanation was offered to us as to the reasons why no attempt even to prove those charges was made, notwithstanding they had never been withdrawn, and no observation was addressed to us by Mr. Monk's counsel which indicated to our minds that he was surprised at the course adopted, and at the sudden abandonment of the Petition so far as it affected Mr. Monk. Moreover, after our judgment was given declaring Mr. Monk to have been duly elected, Mr. Monk's counsel made no application for his costs, which we were prepared to award him had he asked for them, as we intimated to him; but he declined to make any application upon the subject.”

That was the only passage in the Report which seemed to contain any direct evidence against the hon. Member for Gloucester. The Judges concluded with the statement which he had read on rising to address the House. By that statement it seemed to him that the Judges were under the impression that they had been baffled in their inquiry,

wards called and questioned as to whether he had mentioned Mr. Monk's name. He denied having done so. The noble Lord drew the inference that this was a case of a man who went about bribing or offering to bribe persons to vote for himself and Mr. Robinson, and who offered no explanation of his conduct. When the noble Lord led the House to suppose that Morris had asked for votes for Monk as well as for Robinson, he evidently had not the evidence before him. Did the noble Lord know who Morris was? Mr. Robinson was a corn merchant in the city of Gloucester, and Morris had been for upwards of 10 years in his employment as traveller. When he went into the witness-box, the learned Judge asked him if he canvassed for Mr. Monk. He said no; he only wanted to see his employer returned. When, therefore, he gave three men sums of 10s. each, he admitted that he gave them to induce the recipients to vote for his employer, Mr. Robinson. It was never pretended by the counsel for the petitioners that this money was given on his account, and, indeed, Mr. Matthews opened no case whatever against him. Counsel on his behalf appealed to the Judges as to whether there was any case against him to answer, and one of the learned Judges replied, "Certainly not." He believed the evidence on this subject would be in the hands of hon. Members in the course of a day or two, and they would find that it confirmed the accuracy of the statements he had made. It had also been said by the Judges that no explanation was offered of the reason why no attempt was made to prove the charges against him, notwithstanding that they were never withdrawn. In his opening speech, Mr. Matthews spoke of him in much higher terms than he deserved, and referred to his services as an old Member of the House in a manner far more flattering than he had any right to expect. Mr. Matthews said that it was the opinion of the petitioners that any bribery that had taken place had not taken place with his cognizance, and he spoke doubtfully as to any responsibility attaching to his agents. When that was said, it was not for his counsel to insist upon the withdrawal of charges which were not brought forward against them in Court. There was another circumstance which he wished to bring under the notice of

the House. The moment the trial of the Gloucester Petition was fixed, he instructed his agent to obtain an Order for particulars. He obtained an Order from Sir Henry Hawkins that particulars should be delivered 14 days before the trial. No such application was made at that time by his Colleague. But the day before that on which particulars ought to have been delivered, a summons was taken out by the petitioners against him to show cause why the particulars should not be delayed another six days. That motion was opposed by counsel on his behalf, and was dismissed with costs. If he had been a party to a compromise with regard to this Petition, was it not probable that he would have agreed to the proposal? But, in fact, it was out of the question for his counsel to assent to any postponement of the delivery of the particulars. He would ask the House, was it possible for any hon. Member who had sat so long in that House to allow charges of personal bribery to be made against him, and then, when an Order had been made for the delivery of particulars in respect to them, to consent to a second Order postponing the delivery of those particulars for a further time? When the particulars were delivered, there was not one charge of personal bribery, or undue influence, or intimidation brought against him. The summons which he read to the House was heard before Mr. Justice Hawkins, and every charge against him personally was ordered to be withdrawn. That brought him to the last point. The noble Lord drew attention to the fact that the Judges in the last paragraph of their Report said that Mr. Monk's counsel made no application for costs, which they were prepared to give if he had done so. He was in Court at the time, and he confessed that when his counsel did not apply for costs he was surprised. His counsel stated that he was not instructed to ask for costs. Had he been near the learned counsel at the time he would have insisted upon his asking for costs. He believed that his counsel, finding that the petitioners made no charges against him, and that they did not attempt to prove any of the cases of which they had given notice, took upon himself the responsibility of not asking for costs. The learned Judges were in error in saying that particulars were

all events, he would have been prepared to state what course it was his intention to adopt. The noble Lord had now stated that he had called attention to the Report in the interests of Members of the House of Commons. He accepted the explanation of the noble Lord. He had before him the Report of which the noble Lord had read certain portions. The learned Judges stated that they made a special Report in this case, and said that the Petition was a joint Petition presented against his Colleague, Mr. Thomas Robinson, and himself, charging them jointly and severally with bribery, treating, intimidation, and undue influence before, during, and after the election. It was necessary for him to say that he thought the learned Judges must, through inadvertency, have stated—

“Before the trial we believe that the charges of personal bribery against Mr. Monk were abandoned”—

for he held in his hand a Report of the proceedings which took place before Mr. Justice Hawkins, as Judge in Chambers, which he would read—

“On the 28th May in the present year, upon hearing counsel for the petitioners and for the respondent, Charles James Monk.”

The House would observe that this alone applied to himself, and had no reference to his Colleague—

“And it being stated to the said Sir Henry Hawkins by counsel on behalf of the petitioners that there was no intention to offer any evidence of personal bribery, treating, intimidation, or undue influence against the respondent, Charles James Monk, it is ordered that the Petition be amended accordingly on or before the 1st of June. And it is further ordered that the particulars be given in 24 hours; the said Sir Henry Hawkins having expressed his opinion that the particulars delivered by the petitioners are not in accordance with his Order dated 18th May, 1880.”

That Order was indorsed, as follows, in the handwriting of the learned Judge himself:—

“It being stated to me by counsel, on behalf of the petitioners, that there is no intention to offer any evidence of personal bribery, treating, intimidation, or undue influence against respondent Monk, I order that the Petition be amended accordingly.”

He thought it was remarkable that the learned Judges, one of whom must have had that Order in his mind, should have merely stated—

“We believe that the charges of personal bribery against Mr. Monk were abandoned.”

Mr. Monk

Those charges, as well as the charges of treating, intimidation, and undue influence, were ordered to be struck out of the Petition by one of those learned Judges himself. He also held in his hand another Order of the High Court of Justice which had been served upon him by the agent for the petitioners. It was as follows:—

“I hereby give you Notice that the Petition was this day amended by striking out the allegations of personal bribery, treating, intimidation, and undue influence.”

A Return had been ordered of the Orders made in Court and in Chambers in relation to the Petition, which would be laid before the Select Committee. But the noble Lord had laid some stress upon the fact that this was a Petition presented against both the sitting Members for Gloucester. That was perfectly true. But the statute enacted that such Petition shall be deemed to be a separate Petition against each respondent. And he begged to inform the House that his committee, his agent for election expenses, and his election agent, were entirely distinct from those of his late Colleague. Further, it had come to his knowledge, though the Petition was presented against the two sitting Members, that that Petition was presented against both, not in consequence of any desire, or in consequence of any intention, of attacking his seat; but because, as the petitioners had stated, they had been advised by counsel that it would weaken their case if they presented their Petition against Mr. Robinson alone. For that reason only, he had been given to understand, was the Petition presented against him as well as against Mr. Robinson. The Judges went on to say that—

“No application was made to withdraw the charges of corrupt practices through his alleged agents, and his counsel appeared in Court as though the charges were to be persisted in.”

He certainly attended in Court with his counsel, and he had no knowledge whatever whether any evidence would be offered with regard to those charges. His counsel was prepared to meet those charges if they had been brought forward. The noble Lord had drawn attention to a passage in the judgment to the effect that a witness deposed that he was asked by Morris to vote for Monk and Robinson. That statement was positively denied by Morris, who was after-

Second Reading—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 2) * (93); Local Government Provisional Orders (Abingdon, &c.) * (95); Gas and Water Orders Confirmation * (94); Metropolitan Commons Supplemental * (96).

Second Reading — *Committee negatived* — *Third Reading*—Consolidated Fund (No. 1) *, and passed.

Committee—Great Seal * (90); Universities of Oxford and Cambridge (Limited Tenures) * (91); Universities and College Estates Act Amendment * (92).

Committee — *Report* — Local Government (Gas) Provisional Order * (87); Local Government (Highways) Provisional Order (Salop) * (88).

ELEMENTARY EDUCATION.

QUEEN'S ANSWER TO ADDRESS REPORTED.

The Queen's Answer to the Address of the 18th instant reported as follows:

"I have received your Address praying that the Fourth Schedule may be omitted from the new Code of Regulations issued by the Committee of the Privy Council on Education and now lying on the Table of the House of Lords:

"The matter on which you have expressed a wish shall be carefully considered, and if my Committee of Council on Education should be of opinion that in the due discharge of the duty entrusted to them by Parliament any alterations in those Regulations can be made by which they will be better adapted to meet the educational requirements of my people, such alterations will be duly laid before you."

FRIENDLY SOCIETIES' ACT, 1875.

MOTION FOR A RETURN.

EARL NELSON said, that before he gave Notice of a Motion for Returns in reference to these Societies, he must state that no Registrar General's Return had been laid before the House since 1875, as required by the Act of that year, and he had been obliged to obtain the annual Report for 1878 from the other House of Parliament. Since his Notice, that state of things had been remedied, and the Return for 1878 had been presented to their Lordships' House, and he (Lord Nelson) hoped it would in future be always ordered to be printed. The making of annual Returns by Friendly Societies and their branches was of the greatest importance to the members. It was one of their greatest securities. It would appear from the Report that the annual Returns were not made with regularity; and in his Report for 1878, the Chief Registrar

stated that for that year those Returns had been slightly fewer than in the previous year, and yet only one prosecution for failure to make Returns appeared to have been instituted. He, therefore, moved for the Returns for the year 1878, which would be sufficient to draw notice to the subject. He wished to ask how soon they might expect an abstract of the quinquennial Returns of sickness and mortality for the period of from 1870 to 1875, with a table of sickness and mortality founded upon those Returns, and referred to in the Report of the Registrar General of Friendly Societies of 1878, and promised in that Report as very nearly ready; also what progress had been made with the tables promised from those Returns, such tables being much wanted, as we now had only two—one made for the years from 1840 to 1845, and one based upon the Returns for the expenses of the Odd Fellows and Foresters; and, further, to ask whether any means had been taken to secure that the quinquennial valuations required to be made at the end of the present year should be made upon properly attested Schedules? If the Schedules were carelessly or fraudulently made, the valuations founded upon them tended only to mislead, as he had had practical experience. In conclusion, he would move for—

"A Return for 1878 of the names of the registered Societies which had failed to make the annual Returns of balance sheets as required by the Act, with a statement of the penalties enforced for non-compliance with the requirements of the Act under this particular."

THE MARQUESS OF LANSDOWNE said, there was no objection to the production of the Returns, with a slight alteration, in the form proposed by his noble Friend, to which alteration he believed his noble Friend had no objection. He was, however, afraid it would be impossible to include the Returns for the year 1879 without causing considerable delay, as they were sent in only on the first day of the present month. The abstract quinquennial Returns of sickness and mortality for the period of 1870-75 were nearly completed. In them would be included Returns for the three previous quinquennial periods, which would make the Papers rather voluminous, as no less than 30,000 Returns had to be examined. A large staff was engaged on that work, which

delivered to him in respect to 80 cases; 80 cases were included in the particulars with respect to his late Colleague, but only 61 were lodged against him. Had those cases been gone into at the trial it would have lasted five or six days, and the costs would have been very considerable. When he subsequently asked his counsel why he did not apply for costs, he stated that the agent had told him that if the case did not go on it would be better not to apply for costs. With regard to this matter he had no further explanation to give to the House; but he stated most distinctly that he had never at any time since the election, and until he was declared the duly elected Member for Gloucester by the learned Judges, entered into, or been a party to, a compromise enabling him to retain his seat. He begged to submit himself to the judgment of the House.

MR. J. R. YORKE said, he should like to learn from the Solicitor General whether the two Inquiries, the one before the Royal Commission and the other before the Select Committee, were not rather antagonistic? In the case of witnesses coming before the Royal Commission, an indemnity was given to those who came forward to give evidence. But with regard to the tribunal now proposed to be constituted, there would be no such privilege. There would, therefore, be the anomaly of witnesses coming one day to give evidence before a Committee of the House of Commons and having to give evidence without being indemnified, and a little later on having to repeat that evidence before the Royal Commission which had power to guarantee them against the consequences of what they said. It did appear to him that it was a very exceptional course to appoint a Select Committee to inquire into matters which would be investigated a little later on by another tribunal.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, that the matter into which the Committee would inquire would be different from that into which the Royal Commission would inquire. The object of the Commission was to inquire into the question of corrupt practices at the recent election, as well as at prior elections. The Committee was proposed to be appointed simply to inquire whether any imputation rested upon a Member of this

Mr. Monk

House with regard to the settlement or compromise of an Election Petition.

MR. J. R. YORKE said, that it appeared to him that, according to the terms of the Reference, the province of the Royal Commission and of the Select Committee would not be distinct.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, it would be in the province of the Royal Commission to inquire into all matters connected with the election, but the sole question which the Select Committee would deal with was the reflection upon the conduct of a Member of that House. He had no doubt that the same question might to some extent be raised before the Royal Commission and the Committee; but, practically, the Committee would confine itself to inquire into the facts concerning the hon. Member now sitting for the City of Gloucester.

Question put, and agreed to.

Select Committee appointed, "to inquire into the matter contained in the last paragraph of the Judges' Report on the Gloucester Election Petition, and the circumstances under which the abandonment of the Petition against the return of Mr. Monk took place."—(*Lord Randolph Churchill.*)

And, on June 30, Committee nominated as follows:—Sir EDWARD COLEBROOKE, Viscount GALWAY, Mr. GIBSON, Sir HENRY JACKSON, Mr. SOLICITOR GENERAL for IRELAND, Mr. STANHOPE, and Mr. WHITBREAD:—Power to send for persons, papers, and records.

TIPPERARY BOROUGH BILL.

On Motion of Mr. MOORE, Bill to constitute the borough of Cashel, the town of Tipperary, the town of Nenagh, and the town of Thurles into a Parliamentary Borough under the name of the Tipperary Boroughs, ordered to be brought in by Mr. MOORE and Mr. P. J. SMYTH.

Bill presented, and read the first time. [Bill 249.]

House adjourned at a quarter before Two o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 28th June, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—Representation of the People (Scotland) Act (1868) Amendment* (103); Union Assessment Committee (Single Parishes)* (104); Educational Endowments (Scotland)* (105); Elementary Education* (106).

Second Reading—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 2)* (93); Local Government Provisional Orders (Abingdon, &c.)* (95); Gas and Water Orders Confirmation* (94); Metropolitan Commons Supplemental* (96).

Second Reading — *Committee negatived* — *Third Reading*—Consolidated Fund (No. 1)*, and passed.

Committee—Great Seal* (90); Universities of Oxford and Cambridge (Limited Tenures)* (91); Universities and College Estates Act Amendment* (92).

Committee — *Report* — Local Government (Gas) Provisional Order* (87); Local Government (Highways) Provisional Order (Salop)* (88).

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The Queen's Answer to the Address of the 18th instant reported as follows:

"I have received your Address praying that the Fourth Schedule may be omitted from the new Code of Regulations issued by the Committee of the Privy Council on Education and now lying on the Table of the House of Lords:

"The matter on which you have expressed a wish shall be carefully considered, and if my Committee of Council on Education should be of opinion that in the due discharge of the duty entrusted to them by Parliament any alterations in those Regulations can be made by which they will be better adapted to meet the educational requirements of my people, such alterations will be duly laid before you."

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EARL NELSON said, that before he gave Notice of a Motion for Returns in reference to these Societies, he must state that no Registrar General's Return had been laid before the House since 1875, as required by the Act of that year, and he had been obliged to obtain the annual Report for 1878 from the other House of Parliament. Since his Notice, that state of things had been remedied, and the Return for 1878 had been presented to their Lordships' House, and he (Lord Nelson) hoped it would in future be always ordered to be printed. The making of annual Returns by Friendly Societies and their branches was of the greatest importance to the members. It was one of their greatest securities. It would appear from the Report that the annual Returns were not made with regularity; and in his Report for 1878, the Chief Registrar

stated that for that year those Returns had been slightly fewer than in the previous year, and yet only one prosecution for failure to make Returns appeared to have been instituted. He, therefore, moved for the Returns for the year 1878, which would be sufficient to draw notice to the subject. He wished to ask how soon they might expect an abstract of the quinquennial Returns of sickness and mortality for the period of from 1870 to 1875, with a table of sickness and mortality founded upon those Returns, and referred to in the Report of the Registrar General of Friendly Societies of 1878, and promised in that Report as very nearly ready; also what progress had been made with the tables promised from those Returns, such tables being much wanted, as we now had only two—one made for the years from 1840 to 1845, and one based upon the Returns for the expenses of the Odd Fellows and Foresters; and, further, to ask whether any means had been taken to secure that the quinquennial valuations required to be made at the end of the present year should be made upon properly attested Schedules? If the Schedules were carelessly or fraudulently made, the valuations founded upon them tended only to mislead, as he had had practical experience. In conclusion, he would move for—

"A Return for 1878 of the names of the registered Societies which had failed to make the annual Returns of balance sheets as required by the Act, with a statement of the penalties enforced for non-compliance with the requirements of the Act under this particular."

THE MARQUESS OF LANSDOWNE said, there was no objection to the production of the Returns, with a slight alteration, in the form proposed by his noble Friend, to which alteration he believed his noble Friend had no objection. He was, however, afraid it would be impossible to include the Returns for the year 1879 without causing considerable delay, as they were sent in only on the first day of the present month. The abstract quinquennial Returns of sickness and mortality for the period of 1870-75 were nearly completed. In them would be included Returns for the three previous quinquennial periods, which would make the Papers rather voluminous, as no less than 30,000 Returns had to be examined. A large staff was engaged on that work, which

would be completed as rapidly as possible. With regard to the valuations, every care had been taken that they were made upon properly attested Schedules. The Schedules were attested by the Secretaries of the Societies as to facts, and by the valuers as to valuation; and when they arrived at the Central Office they were carefully examined and signed by the Secretary.

Motion amended, and *agreed to*.

Return up to the present time of the names of the registered societies and registered branches of societies which have failed to make the annual returns as required by the Act, with a statement of the penalties enforced for non-compliance with the requirements of the Act under this particular.—(*The Earl Nelson*.)

Ordered to be laid before the House.

EDUCATIONAL ENDOWMENTS (SCOTLAND)

BILL [H.L.] (NO. 105.) A Bill to re-organize the Educational Endowments of Scotland: And

ELEMENTARY EDUCATION BILL [H.L.]

(NO. 106.) A Bill to make further provision as to byelaws respecting the attendance of children at school under the Elementary Education Acts:

Were *presented* by The LORD PRESIDENT; read 1^a.

House adjourned at a quarter before
Six o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 28th June, 1880.

MINUTES.]—SUPPLY—considered in Committee
—NAVY ESTIMATES; Committee R.P.

Resolutions [June 25] reported—CIVIL SERVICES
AND REVENUE DEPARTMENTS, £1,842,500, fur-
ther sum on account.

PUBLIC BILLS—*Resolution in Committee*—Ordered
—*First Reading*—Parliamentary Oaths and
Affirmations* [251].

First Reading—Local Government (Ireland)
Provisional Orders (Dublin, &c.)*.

Second Reading—Inclosure Provisional Order
(Hendy Bank Common)* [238]; Inclosure

The Marquess of Lansdowne

and Regulation Provisional Order (Lizard
Common)* [237]; Inclosure Provisional Or-
der (Llandegley Rhos Common)* [236];
Inclosure Provisional Order (Steventon
Common)* [235]; Public Health (Scotland)
Provisional Order (Lanark)* [234]; Taxes
Management [242].

Committee—Births and Deaths Registration (Ire-
land) (*re-comm.*) [245]—R.P.

Committee—Report—Common Law Procedure
and Judicature Acts Amendment [229];
Limitation of Costs (Ireland)* [149-250].

Report—Local Government Provisional Orders
(Aberavon, &c.)* [125]; Local Government
Provisional Orders (Eastbourne, &c.)* [189].

Third Reading—Local Government Provisional
Orders (Abergavenny, &c.)* [127]; Local
Government Provisional Orders (Alnwick
Union, &c.)* [120]; Local Government Pro-
visional Orders (Amersham Union, &c.)*
[126]; Isle of Man (Loans)* [241], and
passed.

Withdrawn—Marriage with a Deceased Wife's
Sister* [155]; Medical Charities (Ireland)*
[167].

CONTROVERTED ELECTIONS.

Mr. SPEAKER informed the House, that he had received from Mr. Baron Pollock and Mr. Justice Hawkins, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the Election for the City of New Sarum; and from Mr. Justice Lush and Mr. Justice Manisty, two of the Judges selected, in pursuance of the same Act, a Certificate and Report relating to the Election for the Borough of Plymouth.

NEW SARUM ELECTION.

Westminster Hall,
June 28th, 1880.

We, Sir Charles Edward Pollock, knight, one of the Barons of the Court of Exchequer, and Sir Henry Hawkins, knight, one of the Justices of the High Court of Justice, two of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of The Parliamentary Elections Act, 1868, and The Parliamentary Elections and Corrupt Practices Act, 1880, certify that upon the 21st day of June instant (1880), and the three following days, we duly held a Court at Salisbury, in the County of Wiltshire, for the trial of, and did try, the Election Petition for the City of New Sarum, in the said county of Wiltshire, between Henry Rigden, John Rumbold, Joel William Newton, Augustine Dyer, and Samuel Garland, Petitioners; and John Passmore Edwards and William Henry Grenfell, Respondents.

And, in further pursuance of the said Acts, We certify that at the conclusion of the said trial we determined that the said John Passmore Edwards and William Henry Grenfell, being the Members whose Election and Return were complained of in the said Petition, were duly

elected and returned, and we do hereby certify in writing such our determination to you.

And whereas charges were made in the said Petition of corrupt practices having been committed at the said Election, we, in further pursuance of the said Act, report as follows:—

That no corrupt practice was proved to have been committed at the said Election.

And, in further pursuance of the said Acts, we report that there is no reason to believe that corrupt practices have extensively prevailed at the Election to which the Petition relates.

C. E. POLLOCK.
H. HAWKINS.

To the Right Honble.
The Speaker of the House of Commons.

PLYMOUTH ELECTION.

The Parliamentary Elections Act, 1868.

The Parliamentary Elections and Corrupt Practices Act, 1879.

The Parliamentary Elections and Corrupt Practices Act, 1880.

To the Right Honourable
The Speaker of the House of Commons.

We, the Right Honourable Sir Robert Lush, knight, and the Honourable Sir Henry Manisty, knight, Judges of the High Court of Justice, and two of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the said Acts, certify that upon the 21st, 22nd, 23rd, 24th, and 25th days of June 1880, we duly held a Court at the Guildhall, in the Borough of Plymouth, in the County of Devon, for the trial of, and did try, the Election Petition for the said Borough between Isaac Latimer and Francis Barratt, Petitioners; and Edward Bates, Respondent.

And, in further pursuance of the said Acts, We certify and report that at the conclusion of the said trial, We determined that the said Edward Bates, being the Member whose Election and Return were complained of in the said Petition, was not duly elected or returned, and that his Election and Return were and are wholly null and void on the ground of bribery by his Agent, and we do hereby certify in writing such our determination to you.

And whereas charges were made of corrupt practices having been committed at the said Election, we, in further pursuance of the said Acts, report as follows:—

That no corrupt practice was proved to have been committed by or with the knowledge or consent of any Candidate at such Election.

That there is no reason to believe that corrupt practices have extensively prevailed at the Election for the Borough of Plymouth to which the said Petition relates.

Dated this 25th day of June 1880.

ROBT. LUSH.
H. MANISTY.

And the said Certificates and Reports were ordered to be entered in the Journals of this House.

PRIVATE BUSINESS.

FILEY HARBOUR BILL (*by Order.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
“That the Bill be now read a second time.”

GENERAL SIR GEORGE BALFOUR said, the Bill was one of the most extraordinary measures that had been brought before Parliament during the time he had had a seat in the House. The object of the Bill was to construct a harbour in a well known place on the Yorkshire coast.

MR. SPEAKER: Does the hon. Member object to the Bill?

GENERAL SIR GEORGE BALFOUR: Yes.

MR. SPEAKER: Then it must stand over until to-morrow.

GENERAL SIR GEORGE BALFOUR: I wish to call attention to the nature of the Bill.

MR. SPEAKER: As there is opposition the second reading in accordance with the Rules of the House must stand over.

Question put, and *negatived*.

Bill to be read a second time to-morrow.

QUESTIONS.

EVICTIONS (IRELAND).

LORD ELCHO gave Notice that on an early day he would ask the Chief Secretary for Ireland, Whether, when he spoke of the increasing number of evictions in Ireland, he meant processes of ejectment or actual evictions from house and home; whether the figures which he gave applied to town or country; and how many of the evictions were for non-payment of rent?

MR. W. E. FORSTER: I will answer that at once. They were evictions, not notices of ejectment. They were rural evictions. As to the details, I will give them on a future day if the noble Lord puts down Notice.

POOR LAW (IRELAND)—BELFAST
WORKHOUSE.

MR. A. MOORE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the attention of the Local Government Board for Ireland has been called to the unsatisfactory state of Belfast workhouse, as evinced by the grave charges against the management and discipline of that house so frequently made, sometimes in the local press, at other times addressed to the Local Government Board itself; and, whether in the interests of the poor on the one hand, and the ratepayers on the other, the Local Government Board are prepared to take such steps, either by the dissolution of the existing board and the substitution in its stead of a board of paid guardians, or by other means, to put a stop to the existing state of things?

MR. W. E. FORSTER: The subject of the management of Belfast Workhouse has been brought before the Local Government Board, and I have been informed of several charges against the management. An inquiry is still continuing; and I have great hopes that the Board of Guardians, aided by the Local Government authorities will come to a satisfactory settlement of the matters in dispute. As regards substituting paid Guardians for the existing Board, I see no reason for such a step, for the present, at least. In fact, I should almost despair of local government in Ireland if such a step became necessary in so large a town as Belfast.

MR. A. MOORE: I wish to give Notice, in consequence of representations made to me by a large number of ratepayers in the district, that I intend calling attention to the circumstances substantiating the grave charges I am quite aware to have been made.

POOR LAW—INSANE PERSONS—THE
PORTSMOUTH UNION.

SIR H. DRUMMOND WOLFF asked the Secretary of State for India, Whether the insane child of a soldier in India, and a soldier's wife, have been brought from India to Portsmouth in Indian troopships and left chargeable on the rates of that borough; in the latter case the soldier having been sent on to his dépôt, leaving his wife destitute and chargeable; and, whether the

mere fact of the Indian troopships coming to Portsmouth justifies the authorities in taking the course adopted in these cases?

MR. CHILDERS: It is the fact that a soldier's insane wife and the insane child of another soldier have been left chargeable—or, rather, I should say partially chargeable—to the rates of the Portsmouth Union; but the highest legal stoppages have in both cases been made from the soldiers' pay in aid of their maintenance. Under the Statute 16 & 17 *Vict.* c. 97, the Union of Portsmouth is liable for the charge of these persons; and, considering the great advantages which Portsmouth derives from the Government establishments there, it will hardly be deemed unreasonable that the Union should be so chargeable. Perhaps I may add that every information in possession of the Department is given to the Union authorities to enable them to trace the proper place of settlement in such cases.

EDUCATION—THE NEW CODE OF
REGULATIONS, 1880.

MR. B. SAMUELSON asked the Vice President of the Council, Whether it is not the case that the curriculum of instruction in the more important elementary schools of France, Germany, and Switzerland is at least as extensive as that authorised by the new Code; and, whether, under these circumstances, there is any intention on the part of Her Majesty's Government to curtail the subjects in respect of which payment for results may be earned in England and Wales?

MR. BROADHURST asked the Vice President of the Council, Whether it is the intention of the Government to lower the standard of education in the public Elementary Schools of the Country by striking the specific subjects out of the Code?

MR. MUNDELLA: It is undoubtedly the case that in the more important elementary schools of France, Germany, and Switzerland, to which might be added Denmark, Holland, and some other countries, the curriculum of instruction is fully as extensive as that authorized by the new Code. The second part of the Question of my hon. Friend the Member for Banbury is substantially the same as the Question of my hon. Friend the Member for Stoke, and

the answer I am about to give will, I hope, suffice for both my hon. Friends. It is not the intention of the Government to strike the specific subjects out of the Code for the school year 1880-81. But I wish it to be distinctly understood that we leave ourselves absolutely free to deal with the entire Code before the time comes to lay a new Code on the Table of the House. I may say, generally, that there is no intention on the part of the Government to lower the standard of elementary education, or to diminish reasonable opportunities for obtaining it. Our aim is to extend to the whole population a thoroughly sound and efficient elementary training.

Mr. B. SAMUELSON said, that in consequence of the answer of the right hon. Gentleman, and also of what had occurred elsewhere, he begged to give Notice that, on going into Committee on the Education Vote, he would move—

“That this House cordially approves of the determination of Her Majesty's Government not to withdraw the payments on results which are now granted to Elementary Schools in respect of the specific subjects in Schedule 4 of the New Code.”

DISTRESS (IRELAND)—THE RELIEF ROAD AT INCHIGEELA.

COLONEL COLTHURST asked the Chief Secretary to the Lord Lieutenant of Ireland, As to the truth of the statement made at the meeting of the Macroom Board of Guardians on Saturday last, namely, that a relief road at Inchigeela had been stopped, owing to the insufficiency of the sum voted for it, thereby throwing over eighty persons out of employment; and, whether, if the statement be true, he will give directions for convening a special sessions without delay?

Mr. W. E. FORSTER: I find, Sir, that the relief works in question stopped passed through two baronies, and one barony made a presentment and the other did not do so. That created difficulties which stopped the works; but since then a presentment has been made in the barony which did not at first pass one, and the works will now be resumed.

NAVY—NAVAL ARTIFICERS.

Mr. GORST asked the Secretary to the Admiralty, Whether his attention

has been called to the existing anomalies with respect to the rating, pay, and duties of the Naval artificers; and, whether the Admiralty will institute inquiries into the matter with the view of revising the present “non-progressive” system?

Mr. SHAW LEFEVRE, in reply, said, that the attention of the Admiralty had not been directed to the subject referred to by the hon. and learned Member. The rates of pay depended on different circumstances, and it was not intended to make any change.

POST OFFICE (IRELAND)—THE BALTINGLASS POST OFFICE.

Mr. W. CORBET asked the Postmaster General, Whether it is true that the late post office keeper at Baltinglass, county Wicklow, has been dismissed, or compelled to resign, in consequence of misappropriation of moneys received by him in his capacity as post-office keeper; whether it is proposed, on the recommendation of certain magistrates, and of the Lord Lieutenant of the county Wicklow, to appoint a near relative of the late post office keeper, who was in fact acting as his assistant when the alleged misappropriation took place, to succeed him; and, whether such appointment has actually taken place; and, if so, whether he will lay the Papers connected therewith upon the Table of the House?

Mr. FAWCETT: In reply to the hon. Member for Wicklow county, I beg to say that it is true that the late post office keeper at Baltinglass was dismissed from his situation in consequence of being the individual who had misappropriated some money. The Treasury appointed to the situation a daughter of the late postmaster; and, following the usual practices in those cases, the character of the daughter and her general fitness for the office have been inquired into by the Post Office authorities. If it is found that her character and fitness are satisfactory, then the nomination will be confirmed; but I need scarcely say if they are otherwise it will not receive confirmation.

ARMY (INDIA)—COLONELS' ALLOWANCES.

Mr. TREVELYAN asked the Secretary of State for India, What is the

amount of money paid yearly by the Indian Exchequer under the head of Colonels' Allowances, and what is the number of officers at present in receipt of those allowances?

THE MARQUESS OF HARTINGTON: The amount of money paid in the year 1879-80 by the Indian Exchequer under the head of Colonels' Allowances was £214,980. The number of officers in receipt of such allowances on the 1st of April, 1880, was 348.

ARMY—THE FIVE YEARS' RULE—THE COMMANDER-IN-CHIEF.

MAJOR O'BEIRNE asked the Secretary of State for War, If he would explain why the Commander in Chief of the Forces has been exempt from the rule limiting the tenure of Staff Appointments to a period of five years, in view of the fact that his appointment as a General Officer on the Staff of the Army dates from the 15th July 1856?

MR. CHILDERS: In reply to the hon. and gallant Member, I have to state that when, in 1860, the late Lord Herbert brought the Headquarter Staff under the five years' rule, he exempted the Commander in Chief from its operation. This exception has been continued in all later Regulations, and is now embodied in Article 151 of the Royal Warrant of May, 1878.

DISTRESS (IRELAND)—SANITARY WORKS AT MOATE.

MR. A. M. SULLIVAN (for Mr. T. D. SULLIVAN) asked the Secretary to the Treasury, Whether it is a fact that the Treasury have declined to sanction an additional loan of £100 to the Board of Guardians of the Athlone Union, to complete certain sanitary works in the town of Moate, on the special terms sanctioned by the Act 43 Vic. c. 4, although said loan has been recommended by the Local Government Board and the Board of Works; and, whether, having regard to the object for which the work was undertaken, namely, to provide employment for the poor in a distressed district, and the special circumstances which caused the application to be made subsequent to the 29th February last, the limit fixed for applications by the Board of Works, namely, that the estimate of the cost

was insufficient, he will recommend the Treasury to accede to the application of the Board of Guardians and grant the additional loan on the same terms as the £300 already granted for said works?

LORD FREDERICK CAVENDISH, in reply, said, he had to state, in answer to the Question of the hon. and learned Member, that they had direct information that the loan in question was not referred to or recommended by the Board of Works, but it was recommended on the supposition that, being merely supplementary to a loan applied for and granted previously, it might be regarded as a part of that loan and not as a new application. The question was referred to the Board of Works in Ireland, and they gave an opinion that any supplementary application should have been made before the 29th of February, and that, consequently, a loan could not be sanctioned under the Relief of Distress Act. He had, therefore, no legal power to recommend an additional loan.

INDIA—PUNISHMENT OF FLOGGING.

MR. THOMPSON asked the Secretary of State for India, If he will lay upon the Table a Return of the offences for which 72,650 of our Indian fellow-subjects were punished with flogging in the year 1877?

THE MARQUESS OF HARTINGTON: The hon. Member has, no doubt, obtained his information from the Report on the Moral and Material Progress and Condition of India, from which it appears that the punishment of whipping was awarded, in addition to other punishment in 1877, to 6,203 persons; in lieu of other punishment, to 66,447, of whom 28,127 were sentenced in the Madras Presidency. I am sorry that the Return asked for cannot be given, because the judicial statistics do not classify the punishments under the offences, but merely give separately the totals of the various offences and the totals of the various punishments. The required information is, however, contained in the Act VI. of 1864, which will be found in the Library of the House of Commons. The chief provisions of that law are as follows:—For theft, receiving stolen property, house-breaking, and extortion, the offender may, at the discretion of the Judge or magistrate, be punished with whipping

Mr. Trevelyan

in lieu of any punishment to which he may be liable under the Penal Code. On a second conviction for the above offences, the offender may be whipped in lieu of, or in addition to, other punishment. On a second conviction for false evidence, false accusation, criminal assaults on women, indecent offences, robbery, or dacoity, forgery, and habitually dealing in stolen property the offender may be whipped in addition to other punishment. For any offence a juvenile offender may be whipped in lieu of any punishment except death. No female is to be punished by whipping. First class magistrates only are empowered to sentence to whipping. Whipping is to be inflicted with due regard to the health of the offender, and, if practicable, in the presence of a medical man. I do not know how much importance the House will attach to the distinction; but the punishment is termed by the law whipping, and not flogging. The reason why so many sentences of whipping were passed during the year 1877 was that, owing to distress among the people, petty crimes increased greatly, and the magistrates exercised largely their discretionary power of inflicting whipping instead of fine and imprisonment. If a sentence of fine was passed, it would have been equivalent to imprisonment, as people in distress could not pay, and must have gone to prison in default. I am sorry to be compelled to add that the rate of mortality in the prisons increased so very largely in that year that a sentence of imprisonment necessarily carried with it considerable risk of life. I have inquired into the cause of this increased mortality, and I find that it was due to the low and emaciated condition to which a large number of persons who were convicted of petty crimes were reduced by the distress.

Mr. A. M. SULLIVAN asked whether the noble Marquess could inform the House exactly what the distinction was between flogging and whipping; secondly, whether people in an emaciated condition were considered fit subjects for flogging; and, thirdly, whether the Government intended, seeing that in deference to the public opinion of this country flogging in the Public Service was to be abolished, the Government would take steps to abolish the use of the lash among our Indian fellow-subjects?

THE MARQUESS OF HARTINGTON: Perhaps the hon. and learned Member would give Notice of his Question. I may say, however, that I have inquired, but have not been able to obtain as yet a satisfactory answer as to the precise distinction between whipping and flogging. But the punishment in India is not usually inflicted with the "cat," and is a milder punishment than what is known as flogging in this country.

MERCHANT SEAMEN—THE CATTLEMAN, CROSSLEY.

Mr. MACDONALD asked the President of the Board of Trade, If his attention has been called to the report of an investigation which appeared in the "*Bristol Mercury and Daily Post*," of the 22nd instant, in respect to the death of a cattleman named Crossley, on board the steam ship "*Gloucester*," on the passage from New York to Bristol, and also to a further charge against the Captain and the Mate for making a fraudulent entry into the log-book of the ship; and, whether it is customary for the Board of Trade to appoint a legal gentleman to watch such proceedings, and will he direct one to attend at any future diet of the inquiry?

Mr. CHAMBERLAIN: My attention has been called to the case referred to, which is that of a cattleman named Crossley, who appears to have died during the voyage from New York from the effects of *delirium tremens*, and was buried at sea. The master and mate were charged with manslaughter, and, after careful investigation, the magistrates dismissed the case. As regards the entries in the log, the magistrates found that a technical offence had been committed; but they did not inflict any penalty. As regards inquiry, I have to inform the hon. Member that full and special inquiry has been made by the Registrar General of Seamen, whose general duty it is to report upon all cases of death amongst crews at sea.

In reply to a further Question,

Mr. CHAMBERLAIN said, that it was alleged in evidence, and not disproved, that Crossley had remained on deck during a great part of the voyage. The medical man who saw him did not think it necessary to make any special provision for him.

THE EDUCATION CODE, 1879-80—ARTICLE 29 — DAY AND EVENING SCHOOLS.

MR. J. HOWARD asked the Vice President of the Council, If Article 29, Code 1879-80, applies to day and evening schools alike; if not, what rule provides for the examination of evening schools; if the Article does apply, on what ground the Committee of Council on Education maintain that the exception provided in Article 29 does not apply to evening schools; and, whether an overpayment having been made to a school and such overpayment has been due to an error of the Education Department in estimating the grant due to the school, are the Committee justified in demanding repayment of the sum overpaid when more than a year has elapsed from the time when such overpayment was made?

MR. MUNDELLA: Article 29 of the Code, which provides, generally, that scholars may not be presented a second time for examination under a lower or under the same Standard, applies to day and evening schools alike; but the exception stated in that Article (29b) is not applicable to evening schools, because in an evening school payment is made for a child who passes only in one of the three subjects of reading, writing, and arithmetic; while in a day school (by Article 19 B 3) no grant is allowed for a child unless he passes in two out of the three subjects. With regard to the second part of the hon. Member's Question, I have to say that under the system by which public accounts are audited over-payments made by the Education Department to managers of schools may be detected by the Audit Office and re-payment required many months after the grants have been made; but, as my hon. Friend knows, the repayments are not enforced upon merely technical grounds, but only when there has been a breach of the spirit of the Code.

THE ZULU WAR—BATTA OR EXTRA PAY.

SIR H. DRUMMOND WOLFF asked the Secretary of State for War, Whether, in pursuance of the precedents of the Abyssinian and Ashantee Wars, Her Majesty's Government intend to grant

to the troops engaged in the late campaign in Zululand any batta or extra pay as compensation for the expenses and losses incurred while on that service; and, if it is the intention of the Government to give prize money for cattle captured from the enemy during the Zulu War, according to the values assessed by military Boards at the time of capture?

MR. CHILDERS: In reply to my hon. Friend, I have to say that I have carefully looked into the decisions of my Predecessors on this subject, and I find that the precedents of the Abyssinian and Ashantee Wars were not considered in point. In the case of the Abyssinian War, batta, which is an allowance granted under Indian regulations, was only given to the troops because the expedition was organized in India, and the troops were on Indian pay and under Indian regulations, and it was only given in that instance because no previous notice had been given to the troops that it would not be granted. In Ashantee the prize was inconsiderable, and to avoid the expense and delay in its distribution a gratuity of a month's pay, which could be immediately issued, was given in lieu. I am not aware what the expenses and losses are to which the Question refers. As the troops received free rations of every sort, the only expense would, I presume, be on account of the wear and tear of clothing; but on this point I find that large supplies of clothing, necessaries, and boots were sent out to replace losses, &c., on purpose to obviate claims for compensation. Officers received extraordinary field allowance. Any losses incurred by them have been dealt with under Royal Warrant. I should mention that in 1878 the Treasury approved of a full ration being issued to troops on field service, free of stoppage, the main reason for this concession being that it would obviate the necessity for grants of boon pay. As regards the captured cattle, I find that what took place was this:—Up to a certain date the captured cattle were sold on the spot, and the money realized irregularly distributed among the troops. In May, 1878, my Predecessor instructed Lord Chelmsford to cease distributing the profits of sales of captured cattle, as it was open to grave political and military objections, offering as it did great temptation, especially to Colonial levies,

to make predatory attacks, and to make the captured cattle their first consideration, instead of devoting their whole energies to inflicting loss on the enemy. He was, therefore, instructed either to slaughter them or hand them over to the Commissariat. There is no record in the War Office of any assessment by Military Boards of the value of cattle so captured. They were, whenever possible, given to the troops as extra meat ration. After the advance of the troops into Zululand the money value of these captures could have been little or nothing in an enemy's country, as there were naturally no purchasers; and the contractor was bound to have his own supply, regardless of any casual augmentation of this nature. Under these circumstances, I cannot hold out any hope of the decision of my Predecessor, either as to extra pay or prize money, being re-considered.

PARLIAMENTARY OATHS ACT, 1866— AFFIRMATION.

MR. PERCY WYNDHAM asked the First Lord of the Treasury, Whether the Government will bring in a Bill to remove all doubts as to the legal right of a Member to claim to make a solemn Affirmation, instead of taking the Parliamentary Oath, on taking his seat?

MR. GLADSTONE: I do not propose to bring in any Bill of that description. When the Questions are concluded I will give Notice on the subject.

INLAND REVENUE—THE INCOME TAX.

MR. R. N. FOWLER asked the First Lord of the Treasury, Whether his attention has been called to a Letter of the Inland Revenue Department, stating that dividends payable on the 1st of next month should have Income Tax deducted at the rate of sixpence in the pound; and, whether he could state by whose authority such instructions were given?

MR. GLADSTONE: I have seen the letter to which the hon. Gentleman refers, and on inquiry I find that it is not a Circular intended to give authoritative directions, but that it is intended rather as a recommendation to parties as to the course which it is hoped will be most convenient. I am assured by the Board of Inland Revenue that they have al-

ways taken upon themselves the responsibility of advising persons who have to make payments subject to deduction for Income Tax—of course, they cannot compel them—to act on the Resolution of the House of Commons, and thereby save trouble to themselves and others. The course now taken is in strict conformity with the practice on former occasions; but I am also informed that it is not practicable to make the rule uniform; and I believe it is certain no deductions will be made on the dividend on the public funds due on the 5th of July in conformity with the practice of the Inland Revenue Department.

LANDLORD AND TENANT (IRELAND) —EVICTION IN KERRY.

THE O'DONOGHUE asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will cause inquiry to be made into a case of eviction which has, within the last few days, taken place in the barony of Irraghticonnor and townland of Moybella, county of Kerry, in which Patrick Macnamara, wife, and nine children, were evicted and cast upon the roadside; and, if it be not true that since the eviction Patrick Macnamara has died on the road and left his family in a starving and dying state?

MR. W. E. FORSTER: I have received a Report, Sir, from the Constabulary, from which it appears that Patrick Macnamara and his family, consisting of his wife and seven—not nine—of his children were evicted on the 22nd instant. Macnamara, I am told, had several friends in the neighbourhood who would have taken him in. He erected a shelter on the roadside near his late farm, where he keeps his family. I received a telegram this morning to say that there is no truth in the rumour that he is dead; but within the last hour I have received a telegram stating that last night about 10 o'clock he was put back in the tenancy by a large party of men with blackened faces, some of them armed, and the two men in charge of the place were assaulted.

COMMISSIONERS OF NATIONAL EDUCATION (IRELAND)—REMOVAL OF NATIONAL SCHOOL TEACHERS.

SIR PATRICK O'BRIEN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether there is any rule of

the Legal Advisers of the Crown on the subject. Under these circumstances, I think that my hon. Friends would see that it will not be possible to immediately circulate the Papers promised on this subject.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £84,831, to complete the sum for the Scientific Branch.

MR. GORST said, that when he moved that the Committee do report Progress some weeks ago, two questions were suggested, which, he thought, required examination. The first question was, were the Lords of the Admiralty just in charging themselves with rent at the rate of £100 a-year only for Greenwich Hospital, and the other question was as to the expenses of the *Briannia* training ship. He proposed, in the few remarks he should now make to the Committee, to confine himself exclusively to the first of those questions, as he did not wish to confuse that matter by mixing up other questions with it. The question was a very short and simple one. The sum placed upon the Estimates—namely, £100—was entirely inadequate, and the Admiralty ought to increase that amount. He was afraid, however, that there was no way now in which the question could be submitted to the test of a division, owing to the Sessional Order which prevented Members making Motions on going into Committee, so that private Members, who wished to raise a question of that sort were now unable to do so. It would be quite different if private Members were in possession of the privileges they formerly possessed. Therefore, it was not his fault if he delayed the Committee by a discussion upon which no division could be taken, but that of the Sessional Order by which private Members were now bound. The simple question was then,

whether £100 a-year was an adequate sum to pay as rent for Greenwich Hospital? The Civil Lord of the Admiralty (Mr. T. Brassey) had told them that the amount of the assessment upon which a contribution in lieu of rates was paid to the local authorities at Greenwich for the Hospital and School and other buildings was £8,000 a-year; and he thought it would not be an extravagant supposition that the value of Greenwich Hospital alone was, at least, as high as £4,000 a-year. They had thus the fact before them that the Government—that was, the Lords of the Admiralty—were giving a rent of £100 a-year for a building the rent of which ought to be £4,000 a-year; they ought in fact, to pay a rent 40 times greater than what they now paid. The only answer to this was that an Act of Parliament had conferred on the Board of Admiralty power to dispose of the property in that way. But that was not the question. The real question was, whether they had the power, but whether they had a right to exercise the power in that particular manner. He had looked into the Acts of Parliament which regulated the powers of the Admiralty with reference to Greenwich Hospital, and throughout those Acts appeared that the Lords of the Admiralty were trustees of a charitable fund, which charity partly resulted from grants made by the nation, and partly from private benefactors, and consisted both of lands and personal property. It was vested in the hands of the Admiralty as trustees, for the exclusive use and benefit of Greenwich Hospital. In the Act of Parliament in which the trust of the former Commissioners was vested in the Lords of the Admiralty, he had found over and over again the expression—

"Vested in the Lords of the Admiralty trust for Majesty, her heirs, and successors the exclusive use and benefit of Greenwich Hospital."

When, by the Act of 1865, the Lords of the Admiralty became trustees of the charity they were bound to administer the trust in the same way as any other trustee, for the exclusive benefit of the seamen and marines who were entitled thereto. In 1869 another Act was passed, giving the Lords of the Admiralty additional powers. The hon. Gentleman the Secretary of the

Sir Charles W. Dilke

for War (Mr. Childers) stated the other day that that Act was a bargain. For his part, he (Mr. Gorst) failed to see that, and he should be glad if the hon. Gentleman the Secretary to the Admiralty (Mr. Shaw Lefevre) would point out how it was so. There must be two parties to every bargain, and he failed to see in the Act of 1869 anything given or taken upon the other side; therefore, it was not the result of a bargain, but a simple disposal on the part of the Government of the property of Greenwich Hospital. There had been, in fact, no bargain, and the Admiralty could not barter away the rights of the aged seamen and marines, who were entitled to have the charity administered for their use and benefit, unless some equivalent advantage or gain was acquired by them in lieu of the rights taken from them. He thought it was most unreasonable to speak of that Act as a bargain. By that Act, no doubt, the Admiralty were empowered to let the property, either with or without requiring a rent; but he denied their right to exercise those powers in any other way than for the benefit of the persons entitled. He found in the debate which took place when the Bill passed that Mr. Liddell took exception to dealing with the building in an off-hand way, and Sir John Hay objected to so much power being given to the Admiralty. For his own part, he saw no objection to the most absolute power being conferred, because they would always remain bound to exercise it for the exclusive use and benefit of Greenwich Hospital. The question was whether the Admiralty were fulfilling their trust and dealing fairly and equitably with those who were interested in these funds by letting the buildings to themselves as representing the naval authorities of the country at a paltry rent of £100 a-year. That was the whole question. Had they, as trustees, a right to do as they liked with the buildings, or were they not, as trustees, bound to use their powers to the best advantage in letting them for the benefit of those interested in the fund? That being so, were they letting the buildings to the best advantage by letting them to themselves as the naval authority of the country for the paltry rent of £100 a-year? It was idle to say that they were making the best use they could of the Greenwich Hospital buildings. If

the Naval Service of the country required a College for the instruction of naval officers, the country was rich enough to pay a fair rent for the buildings it required. Was it worthy of a great and wealthy country like this to take buildings belonging to poor and aged seamen at the grossly inadequate rent of £100 a-year, in order to prevent the country paying a proper rent for the accommodation of a Naval College. He must apologize to the Committee for being so pertinacious in asking that Progress might be reported when the Vote was under discussion on the last occasion; but he did so in order that he might fairly state the case on the present occasion. This was a question which could only be decided by bringing public opinion to bear upon it. The hon. Member for Galway (Mr. Mitchell Henry) was good enough to read them a lecture; he said he (Mr. Gorst) should have raised this question when the Conservative Government was in Office. He might state that he raised the question every year, while the late Government was in power, but could never do so except at 1 o'clock in the morning. Therefore, the ignorance of the hon. Member for Galway of his having raised it before was excusable, because the question was only brought on at a time when the hon. Member was not present. Any hon. Member who had been in the habit of attending while the Navy Estimates were under debate would know that the question had been raised before. He rejoiced, on that occasion, to be able to raise the question when their proceedings could be reported, and the public, by means of the newspapers, could know the truth with regard to this matter. He hoped that the hon. Gentleman the Secretary to the Admiralty would give an answer to this straightforward demand on the part of aged seamen and marines on the present occasion, when full publicity would be given to the debate.

SIR MASSEY LOPES said, that, as he was in Office at the time that the rent of £100 a-year was first fixed for the Hospital buildings, he should like to make a few observations. He never considered that £100 a-year was an adequate rent for these buildings. He considered that amount only a nominal annual acknowledgment for their temporary use for naval purposes. His

reason for putting that rent on was this. Not only was the whole of the Hospital taken for naval purposes and used as a Naval College, but a house let at £65 a-year was also taken over for use as an infirmary, and the charity was, therefore, deprived of that amount of rent. Previous also to 1873, when this arrangement was made, the cashier lived in the Hospital, and enjoyed the use of the buildings. When the whole of the buildings were utilized as a College, that man was turned out, and the Hospital had to find him another house. He had to be accommodated with a house rented at £45 a-year. Therefore, as the Hospital directly lost £60 a-year, and had to pay £45 a-year, through having to find accommodation outside for their officer, he thought it only just that the country should pay an additional £100 a-year to Greenwich Hospital funds. In making that arrangement, he never contemplated that the £100 a-year was an adequate rental for the use of the whole of the College buildings. It had been stated that the sum expended by the country for repairs upon the Hospital buildings was equivalent to a rental, and that statement was attributed to him. He certainly did not say so. The annual expenditure upon repairs might be put at £2,000 a-year; but it was spent not only in repairs, but upon internal alterations for the purposes of the College. The rental of £100 a-year was only given as an equivalent for annual rents of which the Hospital had been deprived. He must say, so far as the general question was concerned, that if the Naval College had the use of these buildings, the Hospital was receiving no money from the State in lieu of them. He thought, however, it should not be forgotten that these buildings belonged to the Charity, and not to the State.

MR. MAGNIAC said, with regard to the rent which had been paid for the use of the Hospital buildings, or rather the equivalent for rent, the hon. and learned Gentleman opposite (Mr. Gorst) had informed the Committee that the Trustees had the power to do as they liked with the buildings. But that was not so; the right of the Trustees to deal with the buildings was absolutely and precisely regulated by the original grant of that Charity and by the Act of 1869. It would be found stated in the Report

of the Committee of 1868 that originally these buildings were a donation to the sailors of this country. They were given on the terms that the buildings were to be used wholly and solely for the reception of sailors unable to follow their calling. There was no right in anyone to let the buildings; they were absolutely and strictly limited to the receiving of disabled seamen. When it was found that the Hospital no longer served its purpose by giving sailors the benefit which in olden times they received from it, it was considered by the Government of the day that a re-arrangement of these buildings might be made. The Government accordingly brought in a Bill laying down the terms on which the buildings were to be used; and, for the first time, the right of leasing them was granted. The Bill, as originally brought in, power was given to the Government to make any use of the buildings; and it was contemplated that they should be used for public, charitable, or any use connected with the Public Service. When the question was discussed in the House some hon. Members took considerable interest in the question; and the result of their efforts was that words were inserted in the Act which limited the use of the buildings to the Naval Service, the country or any Department of the Government, or to any person who had been engaged in the Naval Service of the country. That was the outside limit of the power of the Government given by the Act. It had been stated in the debate that the Government were bound to procure the best terms that could be got in the market for these buildings. Everyone knew that trustees were bound by the terms of their trust, and that they was, consequently, no power in the Government to go into the open market and let these buildings to the first-comer. The rent was stated in the House to have been fixed upon that basis. The buildings were of a very extensive character. They were a great architectural ornament to the River; and it was evident that if the Government had provided for a Naval College only, they would not have erected an edifice which cost between £3,000 and £5,000 a-year for rent. The amount spent for repairs alone on Greenwich Hospital was very large. If the buildings had been occupied, and had been applied to any other purpose, the cost of the repairs

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would have fallen upon the Charity; and the funds of the Charity would, therefore, have been diminished by the sum of £2,000 to £4,000 a-year. The Act dealing with Greenwich Hospital was debated very strenuously in the House, and great stress was laid by Gentlemen interested in the question upon the necessity of the buildings being always available for the use of the Navy at any moment. It was, therefore, provided by the Act that if the Government chose to call upon the occupants of the Hospital buildings to turn out, they must do so, in order that accommodation might be provided for sailors on the occurrence of an emergency. [*Laughter.*] The necessity for that provision was felt at the time because, shortly before, owing to a calamity, there was no place for the accommodation of a number of disabled seamen. It might be proved that the rateable value of the Hospital buildings was £8,000 a-year, while the real rent of the premises might not exceed £4,000 a-year. The rateable value was the value of the building well let, and with security of occupation from year to year unfurnished. But the rent of a building well let from year to year, unfurnished, was very different from the rent of buildings the occupants of which might be turned out at a moment's notice. The Government did not occupy these buildings unfurnished from year to year; but their occupation was strictly limited to the terms of the Act, which were that the whole of the buildings of the Hospital and their appurtenances should be available for the reception of sailors, if the Government should consider it necessary. The Act of Parliament was carefully considered, and in a case of great emergency power was given to re-occupy them at once for the purpose of sailors. The point which he wished particularly to call the attention of the hon. Gentleman the Secretary to the Treasury was this—that in connection with the arrangements for Greenwich Hospital the sum of £4,000 was given as compensation to merchant seamen for the Greenwich Sixpence. The diversion of the Greenwich Sixpence Fund was the greatest hardship ever inflicted on any body of men. Seamen were made to contribute through their wages to it; and when they wanted relief they were told that they had contributed their money for the purpose of seamen engaged not in the Merchant

Service, but in the Naval Service of the country. If the hon. Gentleman would increase the amount granted for that purpose, he (Mr. Magniac) should be very glad. If the hon. and learned Member for Chatham (Mr. Gorst) could manage to get that amount increased, he would be doing a great service to the unfortunate contributors to that fund, many of whom were still living. In regard to the rent paid by Government for the use of the Greenwich Hospital buildings, taking into consideration the terms of the trust and the large expenditure which was paid for repairs, and that they could be turned out at a moment's notice, he did not think that the terms they were at present holding were unfair to the Charity.

SIR H. DRUMMOND WOLFF said, that the hon. Member who had last spoken (Mr. Magniac) had proved that the Admiralty had, as trustees of the Hospital, let the buildings worth £4,000 for £100 a-year. It was said, when the bargain was examined, it would not be found that such was the case. But here were buildings, which it must be allowed were worth £4,000 a-year, and for them the magnificent sum of £100, and £6 additional a-year was paid, and which were used for the purpose of instruction in fortification. He did not hear from the hon. Member for Bedford one word which militated against the position they had assumed upon this question. He should like to hear from the Government who made this bargain which was spoken of. What were its terms? Did they make it as Trustees, or as First Lords of the Admiralty, or in what position were they when they made it? What right had they to make any bargain? A powerful Government forced this confiscation upon the seamen and marines, and upon the country. He (Sir H. Drummond Wolff), like every other hon. Member representing a Dockyard constituency, felt very strongly upon the subject; for the Naval Service at the present moment considered that it had been defrauded of its rights. If the Act of Parliament prevented the Admiralty from letting the property advantageously, then let the Trustees apply for further powers as other Trustees would do; but so long as it occupied buildings worth £4,000 a-year for a rent of £100, it would be committing a very great iniquity. £4,000

the Education Office (Ireland) which makes all Reports of their Inspectors, upon which masters are removed from their schools, &c., considered confidential?

MR. W. E. FORSTER, in reply, said, he was afraid he must tell his hon. Friend that they could not conduct the inspection satisfactorily if the Reports were not confidential.

ARMY—MAGAZINE AND REPEATING ARMS.

LORD EUSTACE CECIL asked the Secretary of State for War, Whether he can lay upon the Table any information respecting the experiments which it is understood have been recently carried on in Austria and Germany with magazine and repeating arms; and, if not, if he will call for reports upon the subject, with a view to their publication?

MR. CHILDERS: In reply to my noble Friend, I have to say that the information respecting these experiments now before the Office is very imperfect. When I receive fuller details I will consider whether they can be laid on the Table.

INLAND REVENUE—INTOXICANTS.

SIR CHARLES REED asked the Secretary of State for the Home Department, Whether beverages slightly fermented but made without malt, such as ginger beer, &c., are intended to be included in the list of intoxicants; and, whether instructions have been given to the officers of Excise to compel the manufacturers and sellers of such drinks to take out licences as brewers?

LORD FREDERICK CAVENDISH: I have been requested by my right hon. and learned Friend to answer this Question. I have little to add to an answer that was given by my right hon. Friend at the head of the Government a week ago. He then stated that it was the rule of the Inland Revenue authorities not to prosecute manufacturers of so-called non-intoxicating beverages which contained less than 3 per cent of alcohol. But it must be remembered that these drinks are generally made of sugar, and that a large quantity of beer is brewed from the same material. Indeed, it has recently been found that a considerable quantity of non-intoxicating drinks were

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just as strong as mild table beer. In the present state of legislation, with respect to Beer and Malt Duties, there has been a suspension of proceedings in the case of these drinks, and no special instructions have been issued to compel manufacturers to take out licences as brewers.

CONTROVERTED ELECTIONS—BOROUGH OF EVESHAM.

MR. J. R. YORKE asked Mr. Attorney General, Whether he is able to say how long it will be before the Notes of the Shorthand Writer, taken at the trial of the late Petition on the Election for the Borough of Evesham, will be laid upon the Table of the House?

THE ATTORNEY GENERAL (SIR HENRY JAMES), in reply, said, it was intended to lay the evidence, together with the judgments of the learned Judges who had tried the Petition, upon the Table. The judgments had been forwarded to the learned Judges, who were now engaged in discharging other public duties, for their revision, and as soon as they returned them the full proceedings would be printed. Care would be taken that there should be no unnecessary delay.

RAILWAY (INDIA) BRIDGES.

MR. ANDERSON asked the Secretary of State for India, Whether the Report on Indian Railways for 1877 correctly states the name of the firm who contracted for the Railway Bridge across the Nerbudda River; whether that firm were not also contractors for the principal iron work of the Tay Bridge; and, whether, under these circumstances, he has considered the desirability of providing that the Indian Government should institute an investigation as to the quality and kind of iron used for the Nerbudda Bridge, and also extend their inquiry to the Indus Bridge and other bridges built or being built on the Guaranteed and State Railways of India?

THE MARQUESS OF HARTINGTON: In the Report on Indian Railways for 1877 the name of the firm who contracted for the railway bridge across the Nerbudda River is correctly given, and the firm mentioned is the same as that which is stated to have been connected with the supply of the principal iron work of the

receive anything from the funds of Greenwich Hospital. This was felt to be a great hardship, because seamen considered that Greenwich Hospital was instituted for their benefit, and that the Admiralty were only trustees of its funds for them, and that they ought to do the best they could with it by getting as much money out of it as possible, and by distributing it in an equitable way. And he submitted that it was inequitable to withhold these age pensions from those men who had served the best, and give them to others who had not served so well; because it must be remembered that it was only men who had served extremely well who became entitled to such a large pension from the Navy as 2s. 6d. a-day. Thus the best men were deprived of what they had expected, and what they had been led to suppose they would have; while, on the other hand, a man who had not done so well, and who had earned the pension of, say, 1s. 6d. only, at the age of 55, would reap the full benefit of the Greenwich Hospital pension, and would then get 5d. a-day; and, at 65, the extra 4d., making 9d. altogether. It was true that they were in a difficulty in this matter. The funds were not large enough to provide for all these pensions, and the reason of that was that the number of men had rapidly increased who were entitled to them; but all that ought to have been foreseen many years ago. In 1865 an Act was passed, for which the now Secretary of State for War was made responsible. At that time the right hon. Gentleman said a bargain was made. The hon. Member for Bedford had called it an arrangement; while the right hon. Gentleman had called it an adjustment. But, whether it was a bargain, or arrangement, or an adjustment, it was a very one-sided arrangement, by which only the taxpayers benefited, and one which was made at the expense of the recipients of the Greenwich Hospital pension. His contention was that this arrangement was made by the Government without looking forward to the future. He did not say that the men who, at that time, were allotted pensions, were unjustly treated; but he complained that the Government did not look forward and see that there were a large number coming in to claim those pensions, but who would necessarily be deprived of

them; and, therefore, the arrangement which they had made was unjust. The Government, finding they had made that mistake, from motives of generosity and justice, should now come forward and help the fund to meet this difficulty. He did not think they were asking too much to expect that. The fact was that the Greenwich Hospital Pension Funds had been made to supplement and assist the Imperial Funds. He could prove that by several instances. In 1865, for instance, the Secretary of State inaugurated what was called the Pensioners' Reserve. That was, to all intents and purposes, a part of our Naval Reserve, and it was raised by offering certain men the Greenwich Hospital pensions at an earlier age—at 50, instead of 55. It was said that this Naval Reserve had not caused a great strain on the funds of Greenwich up to the present time; but when the right hon. Gentleman inaugurated the Reserve, it was contemplated that this should become a Force of 5,000 men; and if that had been raised, it would have imposed upon the funds of Greenwich a strain of £19,000 a-year. That was a sum sufficient to provide pensions for 1,500 men. The right hon. Gentleman might reply that, as a matter of fact, no very great strain had been so imposed, because the Pensioners Reserve had not come up to the numbers contemplated; but he saw that Admiral Phillimore, in his last Report, said that, while in 1867 the number of Pensioners Reserve was 511, in 1879 it numbered 1,166; and the Admiral went on to assert that he thought the present system might be considered a successful experiment. If that was so, they might in a very few years expect that the whole number of men contemplated by the scheme of 1865 would be raised, and they would then be drawing from the funds of Greenwich £19,000 a-year as an inducement for these men to enter this Reserve. He must complain of this, and repeat what he had already said, that by this means the Greenwich Fund had been made to supplement and assist the Imperial Funds, not only in this respect, but in others; and it was, therefore, not too much to ask the Government to come forward and supplement the fund, so as to stave off this difficulty. He would say—"By all means make any legislation prospective, but do not, in any case, make it retrospective. Let

on behalf of my noble Friend the Secretary to the Treasury, that upon a consideration of the number of piers which could be advantageously made, and from the great wish we have to obtain the full advantage of the generous grants made from the Dominion of Canada, he has come to the conclusion to give Notice to increase the grant from £30,000 to £45,000. I will put these clauses on the Paper to-morrow; and, under these circumstances, I hope that the hon. Gentleman the Member for Cork will not proceed with the second reading of his Bill to-night. If he does, I shall feel it my duty to oppose it.

MR. O'CONNOR POWER: Perhaps the right hon. Gentleman will kindly say whether he has received any additional information in reference to the existence of famine fever in the County Mayo?

MR. W. E. FORSTER: Yes; I have received information. The House can hardly doubt that I receive constant information with regard to it. So far as I can learn, it is not what is generally called famine fever. That is to say, it is not that mesenteric fever which was the great cause of death in the last famine. It is a kind of typhus, and I hear different accounts of it. In one or two cases it appears to be severe, while in others it appears to be passing away. As far as I can make out, it is not caused by want of food, though I think the change to a low class of food may have made it easier to be taken. In some cases persons were attacked who were not in great distress; but in others, no doubt, the persons taking it were in distress. I think it is a very serious matter. We are meeting it to the very best of our power; and I believe we can meet it, as far as human agency is able to do so, by the best medical inspection, by taking them into the hospitals, and by ordering such better food as may seem suitable. I should like to know what course the hon. Member means to adopt with regard to his Bill to-night?

MR. PARNELL: As it would not be convenient to proceed with the Motion for the second reading of my Bill until the House has had an opportunity of seeing the clauses which the right hon. Gentleman proposes to place on the Paper, I beg to say that I will defer that Motion until these clauses have been circulated amongst hon. Members.

Mr. W. E. Forster

PARLIAMENTARY AFFIRMATION—

MR. BRADLAUGH.

NOTICE OF RESOLUTION.

MR. GLADSTONE: I may remind the House that on Friday evening I expressed an opinion to the effect that we ought to proceed to consider the case of Mr. Bradlaugh to-morrow. Since that time, however, the Government have framed a Resolution which they intend to submit to the House. As, however, we think it desirable that the House should have rather more time to consider it, and as we cannot interfere with the proceedings of private Members on Wednesday, I propose, at the opening of Business on Thursday, to submit the following Resolution:—

“That every person returned as a Member of this House, who may claim to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, shall henceforth (notwithstanding so much of the Resolution adopted by this House on the 22nd day of June last as relates to Affirmation) be permitted, without question, to make and subscribe a solemn Affirmation in the form prescribed by ‘The Parliamentary Oaths Act, 1866,’ as altered by ‘The Promissory Oaths Act, 1868,’ subject to any liability by statute; and, secondly, that this Resolution be a Standing Order of this House.”

I may, perhaps, venture to say that in submitting this Resolution I shall endeavour to confine myself to what I think will be a description of the situation, and shall not think it necessary, as far as I am concerned, to revive the general argument on which I and many other hon. Members have had an opportunity of stating our views; and, perhaps, if the hon. Member for Northampton (Mr. Labouchere) be in the House, I may venture to express a hope that as the question will be raised, in the view of the Government, in the most convenient manner by this Resolution, he will not think it necessary to proceed with any Motion, or ask leave to proceed with any Motion, to-morrow.

MR. LABOUCHERE: After the very satisfactory Notice which has just been given by the Prime Minister, I beg to give Notice that I shall withdraw the Resolution of which I have given Notice for to-morrow.

MR. GORST: I should like to ask whether the Resolution of which the Prime Minister has given Notice will raise a Question of Privilege; and whe-

ther, therefore, if the debate should be adjourned on Thursday, it would come on before the other Business on Friday, or upon any other day for which it may be fixed.

MR. SPEAKER: I have already stated in reference to this matter that the question is not one of Privilege.

MR. O'CONNOR POWER: I think it would be for the convenience of the House if I venture to put a Question to the right hon. Gentleman the Leader of the Opposition, and if he will condescend to answer it. It is, what course he intends to adopt in reference to the Notice of Motion which has just been given by the Prime Minister?

SIR STAFFORD NORTHCOTE did not make any reply.

MR. CALLAN: Perhaps the right hon. Gentleman the Prime Minister will say whether he purposes that the Resolution should have a retrospective effect?

MR. GLADSTONE: Of course, my intention with regard to that matter would have no effect whatever; but I believe with regard to the force of the words, drawn as the Resolution is with reference to the recent Resolution of the House of Commons, it would have a retrospective effect in the case of Mr. Bradlaugh.

MR. MACDONALD asked whether, in consequence of the Resolution of which the Prime Minister had given Notice for Thursday, the consideration of the Employers' Liability Bill would not have to be deferred?

MR. O'CONNOR POWER: I beg to give Notice that on to-morrow I shall put to the right hon. Gentleman the Member for North Devon the Question which I just now put to him.

MR. GORST: I should like to know whether the hon. Member would be in Order in putting such a Question?

MR. GLADSTONE: In answer to the Question put from below the Gangway, I am not aware how far it will be the pleasure of the House to enter into a general discussion; and unless it does so, I see no reason why the question should not be disposed of in a very limited time. At all events, we do not propose to postpone the Employers' Liability Bill.

MR. GORST: I want to know whether it is in Order for the hon. Member for Mayo to give Notice to ask a Question of the right hon. Gentleman the

Member for North Devon, as to what course he intends to pursue with respect to the Resolution of which Notice has been given by the Prime Minister?

MR. SPEAKER: The terms of the Notice of the hon. Member for Mayo did not reach me. At the same time, I may say that unless they relate to some Bill or Motion before the House that Question would not be regular.

MR. O'CONNOR POWER: To prevent any misunderstanding, and owing to the difficulty of discovering to whom the title of the Leader of the Opposition may be applied, I wish to give Notice that, as the Motion of the Prime Minister will be on the Paper to-morrow, and as it, therefore, comes within the description which you, Sir, have just given, I will ask the right hon. Gentleman the Member for North Devon what course he intends to pursue on Thursday with reference to that Resolution?

MR. CALLAN: I beg also to give Notice that I shall, at the same time, ask the hon. Member for Mayo, what course he and those acting with him intend to pursue in this matter?

SIR H. DRUMMOND WOLFF: I wish to ask whether it is competent for one private Member of this House to ask another private Member what course he intends to pursue in regard to an Order of the Day, or a Motion for which he is not responsible?

MR. SPEAKER: Such a Question as that indicated by the hon. Member for Mayo would not be in Order. It does not relate to any Bill or Motion before the House for which the right hon. Gentleman the Member for North Devon is himself responsible.

TREATY OF WASHINGTON—THE FISHERY QUESTION—THE FORTUNE BAY PAPERS.

SIR CHARLES W. DILKE: In reference to the Questions recently addressed to me by the hon. Baronet the Member for Midhurst (Sir Henry Holland) and the hon. and gallant Member for the county of Cork (Colonel Colthurst), I should like to say that communications are passing between Her Majesty's Government and the Government of the United States in regard to the Fortune Bay question, and that communications are also passing with

the Legal Advisers of the Crown on the subject. Under these circumstances, I think that my hon. Friends would see that it will not be possible to immediately circulate the Papers promised on this subject.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £84,831, to complete the sum for the Scientific Branch.

MR. GORST said, that when he moved that the Committee do report Progress some weeks ago, two questions were suggested, which, he thought, required examination. The first question was, were the Lords of the Admiralty just in charging themselves with rent at the rate of £100 a-year only for Greenwich Hospital, and the other question was as to the expenses of the *Britannia* training ship. He proposed, in the few remarks he should now make to the Committee, to confine himself exclusively to the first of those questions, as he did not wish to confuse that matter by mixing up other questions with it. The question was a very short and simple one. The sum placed upon the Estimates—namely, £100—was entirely inadequate, and the Admiralty ought to increase that amount. He was afraid, however, that there was no way now in which the question could be submitted to the test of a division, owing to the Sessional Order which prevented Members making Motions on going into Committee, so that private Members, who wished to raise a question of that sort were now unable to do so. It would be quite different if private Members were in possession of the privileges they formerly possessed. Therefore, it was not his fault if he delayed the Committee by a discussion upon which no division could be taken, but that of the Sessional Order by which private Members were now bound. The simple question was then,

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whether £100 a-year was an adequate sum to pay as rent for Greenwich Hospital? The Civil Lord of the Admiralty (Mr. T. Brassey) had told them that the amount of the assessment upon which a contribution in lieu of rates was paid to the local authorities at Greenwich for the Hospital and School and other buildings was £8,000 a-year; and he thought it would not be an extravagant supposition that the value of Greenwich Hospital alone was, at least, as high as £4,000 a-year. They had thus the fact before them that the Government—that was, the Lords of the Admiralty—were giving a rent of £100 a-year for a building the rent of which ought to be £4,000 a-year; they ought, in fact, to pay a rent 40 times greater than what they now paid. The only answer to this was that an Act of Parliament had conferred on the Board of Admiralty power to dispose of the property in that way. But that was not the question. The real question was, not whether they had the power, but whether they had a right to exercise their power in that particular manner. He had looked into the Acts of Parliament which regulated the powers of the Admiralty with reference to Greenwich Hospital, and throughout those Acts it appeared that the Lords of the Admiralty were trustees of a charitable fund, which charity partly resulted from grants made by the nation, and partly from private benefactors, and consisted both of lands and personal property. It was vested in the hands of the Admiralty, as trustees, for the exclusive use and benefit of Greenwich Hospital. In the Act of Parliament in which the trust of the former Commissioners was vested in the Lords of the Admiralty, he had found over and over again the expression—

"Vested in the Lords of the Admiralty in trust for Majesty, her heirs, and successors, for the exclusive use and benefit of Greenwich Hospital."

When, by the Act of 1865, the Lords of the Admiralty became trustees of that charity they were bound to administer the trust in the same way as anyone else, for the exclusive benefit of the aged seamen and marines who were entitled thereto. In 1869 another Act was passed, giving the Lords of the Admiralty additional powers. The right hon. Gentleman the Secretary of State

for a private institution to have borne these heavy charges, and have paid a heavy rent in addition. The statement made by his hon. Friend behind him (Mr. Magniac), that the buildings were taken over by the Naval College under an arrangement to surrender them at any time, was received with a smile by the Committee; but it was, nevertheless, a substantial condition. He would venture to say that it would be unwise on the part of the Government to let these buildings under any other condition, for they would certainly be required in the event of a war to provide hospital accommodation. No private institution under such a condition would be prepared to pay a heavy rent for these buildings. He only knew one way in which a private individual could have paid a rent of £4,000 a-year for the property. The only possible way of realizing a rateable value on the very extensive piece of ground now occupied by these noble national buildings at Greenwich would have been to pull them down and convert the site to some utilitarian or manufacturing purposes. Such a course necessarily was not open to the Government. It had been said it was inconsistent with the purposes of Greenwich that this building should be occupied as a Naval College; but in the original deed of gift he found that, among the various objects for which Greenwich was founded, the improvement of navigation was specifically mentioned. He ventured, therefore, to say that the location of a Naval College in Greenwich was not at all inconsistent with the original objects of the foundation. Perhaps he might be permitted to remind hon. Members who took a deep interest in seamen of the arrangement carried into effect since the year 1868. At that time the building bore a certain monastic character. It was not at all popular with seamen, and there were no less than 1,310 vacancies in the Hospital. New arrangements were then made. Those arrangements had been fully explained with reference to the aged pensioners, and he need not go into it again; but he must remind the Committee, after what had fallen from the hon. and gallant Member for Devonport (Captain Price), that it was originally intended that the number of out-pensions should be 5,000 with, he believed, a provision for the maintenance of 600 aged seamen in the Infirmary;

but under the arrangements made by the late Administration, which restricted the maximum amount of Greenwich pensions to 2s. 6d. per day, the number of out-pensions had been raised from 5,000 to 7,500. The sum of £20,000 had been especially devoted to an infirmary for helpless men, who were ineligible to Greenwich, and who preferred a special pension to hospital treatment. Again, he would remind the Committee that the age for the extra pension had been reduced from 70 to 65; and, further, that men eligible for Greenwich were accommodated in naval hospitals, Greenwich paying for their maintenance. Among other benefits lately conferred, 200 daughters of seamen and marines were now maintained in schools, and educational grants of £20 per year were made to 50 children of distressed and deceased non-commissioned officers. A year's pay was given to the widows of seamen who were actually killed in action or drowned, in addition, as he believed, to any charge which was borne by the Naval Estimates. The number of children of seamen and marines in the school had been increased from 800 to 1,000; while, with regard to the income, by judicious sales of estates and investments, it had been increased from £146,000 in 1865 to £159,000 in 1880. Practically, the whole expenditure from the funds of Greenwich was spent in favour of the seamen as distinguished from the officers of the Navy. He ventured to say every change which had been made in the administration of the Greenwich funds, and in the application of its income, had been changes entirely for the benefit of the seamen. He could only promise his hon. and learned Friend and those who had urged the subject on the consideration of the Government that attention should be assiduously given to the subject. They had every desire to make this naval monument of the national gratitude to seamen a source of still greater advantage.

BARON HENRY DE WORMS said, he would not detain the Committee by going over the various details of this question; but, as it was one which greatly affected his own constituents, he must be pardoned for saying a few words upon it. He thought the arguments of the hon. Member for Bedford (Mr. Magniac) showed conclusively how right his hon. and learned Friend (Mr.

reason for putting that rent on was this. Not only was the whole of the Hospital taken for naval purposes and used as a Naval College, but a house let at £65 a-year was also taken over for use as an infirmary, and the charity was, therefore, deprived of that amount of rent. Previous also to 1873, when this arrangement was made, the cashier lived in the Hospital, and enjoyed the use of the buildings. When the whole of the buildings were utilized as a College, that man was turned out, and the Hospital had to find him another house. He had to be accommodated with a house rented at £45 a-year. Therefore, as the Hospital directly lost £60 a-year, and had to pay £45 a-year, through having to find accommodation outside for their officer, he thought it only just that the country should pay an additional £100 a-year to Greenwich Hospital funds. In making that arrangement, he never contemplated that the £100 a-year was an adequate rental for the use of the whole of the College buildings. It had been stated that the sum expended by the country for repairs upon the Hospital buildings was equivalent to a rental, and that statement was attributed to him. He certainly did not say so. The annual expenditure upon repairs might be put at £2,000 a-year; but it was spent not only in repairs, but upon internal alterations for the purposes of the College. The rental of £100 a-year was only given as an equivalent for annual rents of which the Hospital had been deprived. He must say, so far as the general question was concerned, that if the Naval College had the use of these buildings, the Hospital was receiving no money from the State in lieu of them. He thought, however, it should not be forgotten that these buildings belonged to the Charity, and not to the State.

MR. MAGNIAC said, with regard to the rent which had been paid for the use of the Hospital buildings, or rather the equivalent for rent, the hon. and learned Gentleman opposite (Mr. Gorst) had informed the Committee that the Trustees had the power to do as they liked with the buildings. But that was not so; the right of the Trustees to deal with the buildings was absolutely and precisely regulated by the original grant of that Charity and by the Act of 1869. It would be found stated in the Report

of the Committee of 1868 that originally these buildings were a donation to the sailors of this country. They were given on the terms that the buildings were to be used wholly and solely for the reception of sailors unable to follow their calling. There was no right in anyone to let the buildings; they were absolutely and strictly limited to the receiving of disabled seamen. When it was found that the Hospital no longer served its purpose by giving sailors the benefit which in olden times they received from it, it was considered by the Government of the day that a re-arrangement of these buildings might be made. The Government accordingly brought in a Bill laying down the terms on which the buildings were to be used; and, for the first time, the right of leasing them was granted. In the Bill, as originally brought in, power was given to the Government to make any use of the buildings; and it was contemplated that they should be used for public, charitable, or any use connected with the Public Service. When the question was discussed in the House, some hon. Members took considerable interest in the question; and the result of their efforts was that words were inserted in the Act which limited the use of the buildings to the Naval Service of the country or any Department of the Government, or to any person who had been engaged in the Naval Service of the country. That was the outside limit of the power of the Government given by the Act. It had been stated in this debate that the Government were bound to procure the best terms that could be got in the market for these buildings. Everyone knew that trustees were bound by the terms of their trust, and that there was, consequently, no power in the Government to go into the open market and let these buildings to the first-comer. The rent was stated in the House to have been fixed upon that basis. These buildings were of a very extensive character. They were a great architectural ornament to the River; and it was self-evident that if the Government had to provide for a Naval College only, it would not have erected an edifice which cost between £3,000 and £5,000 a-year for rent. The amount spent for repairs alone on Greenwich Hospital was very large. If the buildings had been unoccupied, and had been applied to no other purpose, the cost of the repairs

Sir Massey Lopes

would have fallen upon the Charity; and the funds of the Charity would, therefore, have been diminished by the sum of £2,000 to £4,000 a-year. The Act dealing with Greenwich Hospital was debated very strenuously in the House, and great stress was laid by Gentlemen interested in the question upon the necessity of the buildings being always available for the use of the Navy at any moment. It was, therefore, provided by the Act that if the Government chose to call upon the occupants of the Hospital buildings to turn out, they must do so, in order that accommodation might be provided for sailors on the occurrence of an emergency. [Laughter.] The necessity for that provision was felt at the time because, shortly before, owing to a calamity, there was no place for the accommodation of a number of disabled seamen. It might be proved that the rateable value of the Hospital buildings was £8,000 a-year, while the real rent of the premises might not exceed £4,000 a-year. The rateable value was the value of the building well let, and with security of occupation from year to year unfurnished. But the rent of a building well let from year to year, unfurnished, was very different from the rent of buildings the occupants of which might be turned out at a moment's notice. The Government did not occupy these buildings unfurnished from year to year; but their occupation was strictly limited to the terms of the Act, which were that the whole of the buildings of the Hospital and their appurtenances should be available for the reception of sailors, if the Government should consider it necessary. The Act of Parliament was carefully considered, and in a case of great emergency power was given to re-occupy them at once for the purpose of sailors. The point which he wished particularly to call the attention of the hon. Gentleman the Secretary to the Treasury was this—that in connection with the arrangements for Greenwich Hospital the sum of £4,000 was given as compensation to merchant seamen for the Greenwich Sixpence. The diversion of the Greenwich Sixpence Fund was the greatest hardship ever inflicted on any body of men. Seamen were made to contribute through their wages to it; and when they wanted relief they were told that they had contributed their money for the purpose of seamen engaged not in the Merchant

Service, but in the Naval Service of the country. If the hon. Gentleman would increase the amount granted for that purpose, he (Mr. Magniac) should be very glad. If the hon. and learned Member for Chatham (Mr. Gorst) could manage to get that amount increased, he would be doing a great service to the unfortunate contributors to that fund, many of whom were still living. In regard to the rent paid by Government for the use of the Greenwich Hospital buildings, taking into consideration the terms of the trust and the large expenditure which was paid for repairs, and that they could be turned out at a moment's notice, he did not think that the terms they were at present holding were unfair to the Charity.

SIR H. DRUMMOND WOLFF said, that the hon. Member who had last spoken (Mr. Magniac) had proved that the Admiralty had, as trustees of the Hospital, let the buildings worth £4,000 for £100 a-year. It was said, when the bargain was examined, it would not be found that such was the case. But here were buildings, which it must be allowed were worth £4,000 a-year, and for them the magnificent sum of £100, and £6 additional a-year was paid, and which were used for the purpose of instruction in fortification. He did not hear from the hon. Member for Bedford one word which militated against the position they had assumed upon this question. He should like to hear from the Government who made this bargain which was spoken of. What were its terms? Did they make it as Trustees, or as First Lords of the Admiralty, or in what position were they when they made it? What right had they to make any bargain? A powerful Government forced this confiscation upon the seamen and marines, and upon the country. He (Sir H. Drummond Wolff), like every other hon. Member representing a Dockyard constituency, felt very strongly upon the subject; for the Naval Service at the present moment considered that it had been defrauded of its rights. If the Act of Parliament prevented the Admiralty from letting the property advantageously, then let the Trustees apply for further powers as other Trustees would do; but so long as it occupied buildings worth £4,000 a-year for a rent of £100, it would be committing a very great iniquity. £4,000

would form a very large addition to the funds for the benefit of seamen and marines. It was not to be expected that the Government would increase the pensions—which were at present in many cases very inadequate—but he trusted that an end would be put to an arrangement that never ought to have taken place.

MR. CHILDERS said, that what happened in 1864 and 1865 was this—In 1864 Greenwich Hospital was in a most unsatisfactory condition. In that year an adjustment was proposed which was completed in 1865. A certain limited number of men were kept in a great monastery at an enormous expense; and it was thought that, instead of keeping up that unsatisfactory system, it would be better to give them the option of taking certain pensions, and to apply the balance of the funds of the Hospital, which increased from year to year, in age pensions to seamen commencing at the age of 55 and going on to the age of 70. That was the rough outline of the scheme. But after five or six years experience it was found to be so unsatisfactory that a second process was gone through. A large number of the people who were in the Hospital originally, had gone out, except some two or three pensioners who had not taken advantage of the arrangement, because they could not find their families. It was not right to say that the Act was forced through Parliament, for it was unanimously supported by both sides. It was decided to close Greenwich as a Hospital altogether, and some of the pensioners who were subject to disease were transported to the Naval Hospitals at Portsmouth and Devonport, and the rest left the Hospital under arrangements of a liberal character. The question then arose, what could be done with the buildings? In the arrangements with respect to the Hospital the public was put to a very large expense indeed. All the men in the Hospital received pensions from the funds of the country, and when they were turned out of the Hospital they received large pensions from the Hospital funds. As they died off all the funds of the Hospital were entirely applied to the ordinary pensions of seamen. The public had been charged, in consequence of the arrangement which had been made with regard to the Hospital, to the extent of from

£15,000 to £20,000 a-year. In addition to that a sum was granted to merchant seamen. Those arrangements entailed a very large charge upon the public. The pensions of a large body of seamen who would have been in Greenwich Hospital were charged upon the public, and it was only fair that the arrangements should be in every respect carried out. On the one hand an adjustment was made of the payments by the public, and as a smaller sum was paid by the Charity it was arranged that the Hospital should be available for the purposes of the Government. It was provided by the Act that the Hospital buildings should be available for naval purposes without charge; but that if used for any other Government purpose the Government should pay rent for it. These were the terms that were made. The bargain was that the buildings should be absolutely at the disposal of the Government. There was no reason for saying that the arrangement which was made was unfair to Greenwich Hospital. His hon. Friend had stated that if some fair arrangement were made it would enable pensions and pay to be increased. That was not so, for the charge was entirely upon the funds of the nation. All he would say was this—that the bargain was intended to be a fair one between the public and the Hospital, and he thought he had correctly stated its nature.

CAPTAIN PRICE said, that perhaps hon. Members who were present were rather puzzled to discover why such a noise should be made about £100, the rent paid by Government for the Greenwich Hospital buildings. His hon. Friends were not able to take the advice of the hon. Member for Galway, and raise this question some years ago, because it was only within the last few years that circumstances had made it necessary to re-open the question of the administration of the affairs of Greenwich Hospital. The facts were that a large number of seamen had been deprived of the pension from Greenwich Hospital which they had been in the habit of looking forward to. Two years ago an Order in Council was passed limiting the amount of pension a man might receive to the sum of 2s. 6d. a-day from all sources, so that all seamen in receipt of a naval pension of 2s. 6d. a-day were henceforth not entitled to

Sir H. Drummond Wolff

the original question. That was simply the sufficiency of the rent which appeared in the Estimates. The explanation given from the Treasury Bench as to the arrangements made with Greenwich Hospital, and the statements made as to the amount paid for rates and maintenance, seemed to him to show that this was a very fair sum; for besides the £100 in the Estimates there was paid in rates and in upholding the building, £4,500; the rates amounted to £2,000, and the expenditure in maintenance of the buildings to £2,500; so that virtually the rent was £4,600 a-year. That was a fairly adequate rental. They could not expect to get such a rent as would be a sufficient return on the capitalized value of these buildings. £20,000 a-year would not be sufficient for that. The question really was, what might it be supposed these buildings would produce in the market if put into it for any such purpose as the nation could offer them for? He could not conceive that if let for any purpose for which the country could allow the buildings to be used they would yield more than £4,600. He therefore thought the objection was untenable.

MR. GORST said, that the answers of the Members of the Government were not so satisfactory to him as they appeared to be to the hon. Member who had just sat down (Mr. Dick-Peddie). Persons who had experience in Parliament could tell by the mode in which a Minister answered a question whether he himself was satisfied with the answer he was giving. He was sure that many hon. Members would have seen that the Civil Lord of the Admiralty (Mr. T. Brassey) knew he had a bad case, and was trying to make the most of it. He (Mr. Gorst) understood from the remarks of the hon. Gentleman opposite (Mr. Dick-Peddie) that he considered these magnificent buildings were only worth £100 a-year. Was it reasonable to suppose, for one moment, that they were not worth more than that? Because, if they were not, it would be the duty of the Lords of the Admiralty to bring in a Bill to enable the site to be sold, so that some use might be made of it, and that it might bring in more to the funds of the Hospital. He was unable to understand whether the hon. Member for Bedford (Mr. Magniac) was pleased with the present arrangement or not. If it

was the hon. Member's desire to advance the interest of the seamen, he (Mr. Gorst) did not see how he could think the present use of the buildings satisfactory. The hon. Member seemed to be surprised that they, in 1880, were not acquainted with the understandings entered into by the House of Commons which sat in 1869. Of course, he (Mr. Gorst) was aware, in the Act there was a clause requiring that the buildings should be available for the purpose of a naval hospital when required. But the right hon. Gentleman the Secretary of State for War (Mr. Childers) really could not seriously suppose that there was the slightest chance of the Government being ever required to turn those buildings into a hospital again.

MR. CHILDERS said, that in the event of a great naval war, the first thing the Board of Admiralty would do would be to move in that matter and take possession of Greenwich Hospital.

MR. GORST said, he would then ask the Committee, whether the risk of a naval war, or of one or two naval actions, was really a practical consideration which should diminish the value annually of this building? For his part, he could not see how it could affect the value of the occupation of the building. He thought that the clause in the Act did not interfere with the real value of the property. Therefore, he felt sure that the Members of the Government considered that in that short discussion it had clearly been made out that the £100 was not an adequate rent, and that a much greater sum ought to be inserted in the Estimates of next year. He hoped that the Civil Lord of the Admiralty (Mr. T. Brassey) would look into the matter, and that he would be able to induce the Treasury to consent to an adequate sum being put down next year for Greenwich Hospital rent. If the Treasury did not consent to do that, he (Mr. Gorst) should next year bring forward the matter in such a form that he should be able to take the sense of the House upon it.

MR. E. J. REED said, that the present, he thought, was an opportune time for making the few remarks he had to make upon a slightly different subject. Therefore, he begged leave to call the attention of the Board of Admiralty to that subject for a moment. In the last debate on the Navy Estimates in the late

the boys who are now entering the Service know that in future years they must not expect to get so large a sum from Greenwich as their predecessors, and tell them the reason; but do not deprive the men who have been expecting this as a right of the sum to which they are justly entitled." His right hon. Friend below him, in answering him on this subject a short time ago—and hon. Members of the present Government, he had no doubt, would make the same excuse—had said that these pensions were given at the discretion of the Admiralty. He did not like that phrase, "the discretion of the Admiralty" at all. Of course, they were given at the discretion of the Admiralty. No man could bring an action against the Government for deprivation of pension or anything of that sort; but, nevertheless, the men had just as much right to look forward to the receipt of the Greenwich pension as to the receipt of the naval pension. It was impossible to make a legal question of this at all. Probably some Members of the House had heard the old Arab story of the rich man, the pauper, and the Cadi. A pauper used to sit at the gate of the city, and every day a rich man, in passing him, dropped a coin into his hand. He did that for many years, until at last it became a regular pension for the beggar; but one fine day the rich man refused to give him the penny any more, and then the beggar went to the Cadi and an action was brought, and the Cadi said that as this sum had been given regularly to the beggar the rich man must continue to give it. He did not hold that there was an actual analogy between the two cases, because Greenwich Hospital was no longer to be looked on as a charity, and also because, as he had said, this could not be made a legal question; but still he did think that the Government should look at it in a spirit of equity. Greenwich Hospital was one of the grandest monuments of our naval greatness, and anything which might be done to tamper with the question and deprive the seamen of what they had justly earned, and always looked forward to, was not only to them a very great grievance, but would, he believed, be found a very great mistake.

MR. T. BRASSEY said, the hon. and learned Member for Chatham (Mr. Gorst) and his hon. and gallant Friend

the Member for Devonport (Captain Price) had pleaded the cause of the seamen with great earnestness; but he (Mr. Brassey) yielded to no Member of that Committee in sympathy with the seamen, and he was quite sure that feeling was abundantly shared by every Naval Administration which had had to consider the question of pensions and the administration of the Greenwich Funds. He might remind the hon. and gallant Member who had last spoken that these subjects were under the consideration of his right hon. Friends opposite for more years than the present Government had passed weeks in Office; and the presumption therefore would be that the regulations enforced during that time were regulations which they deemed fair and considerate towards the seamen. His hon. and learned Friend the Member for Chatham (Mr. Gorst) challenged the arrangement which had been made with reference to the sum to be paid for the Naval College; but he (Mr. Brassey) might explain that the amount for the maintenance of those buildings when unoccupied was estimated at £2,500 per year, while when they were occupied under the old arrangements as an asylum for aged seamen the cost for maintenance was £6,000. He would further remind the Committee that, in former days, when the seamen were kept at Greenwich, the rates which were at that time paid for Government property were fixed upon a very low scale. If the seamen had remained in occupation of Greenwich Hospital as an asylum, the buildings would not have escaped the present rule as to contribution to the rates by way of bounty, and the Hospital, as distinct from the schools, would have paid £2,000 a-year towards the local rate of Greenwich. Therefore, the gain to the funds by the present arrangement was not less than about £9,000 a-year. His hon. and learned Friend had said that these buildings were worth at least £4,000 a-year. He would remind him that if those buildings were occupied as a private institution, or as a private establishment, there would be a charge for maintenance of at least £2,500, a contribution to the local rates of £2,000, and besides that an expenditure, as he understood, of about £600 a-year for gas. He would venture to say, therefore, that it would have been impossible

Captain Price

cerely trusted that the hon. and learned Member for Chatham (Mr. Gorst) would bring that matter up in a forcible manner next year, and in such time as to have ample opportunity for discussing it, so that it should not be hurried over as it was that night, in order that the rights of seamen and marines might be less curtailed than they were at present with reference to that subject.

CAPTAIN PRICE said, he wished to ask, whether it was intended to bring on the Vote for Greenwich Hospital that night, because he intended to move a reduction of the Vote?

MR. SHAW LEFEVRE said, it was his intention to bring on that Vote. He hoped the House would not think it necessary to prolong that discussion. The matter had been fully discussed, and the hon. and learned Member for Chatham (Mr. Gorst) had had full opportunity for placing his views upon the subject before them. He begged to observe that the hon. and learned Member could not move to increase the Vote; the only proper way would be for him to raise the question by Motion, and he had understood that the hon. and learned Member intended to do so next Session. He hoped he would be satisfied with the answers that had been given. He would only add, with reference to the remarks of the hon. Gentleman opposite (Sir H. Drummond Wolff), that when the arrangements were made in 1867 there was an understanding, as explained by the right hon. Member for Pontefract (Mr. Childers), that if the buildings were required for naval purposes, there should be no rent chargeable to Naval Votes. Again, when the buildings were taken over for the purposes of a Naval College in 1872, the Greenwich Hospital Fund was relieved of the charges for repairing, which amounted to some £2,000 a-year; it was also relieved of rates of about £2,000 a-year, and charges for police of about £750. Therefore, practically, Greenwich Hospital was a gainer by the transaction to the extent of near £5,000 a-year. He would not go more into detail, as the whole question would, no doubt, be raised by the hon. and learned Member for Chatham next Session.

MR. W. H. SMITH said, he thought the whole question might be well considered; but it had been pointed out that that consideration could not take place this year.

If hon. Gentlemen opposite thought they could get a larger rental for the use of Greenwich Hospital, as a contribution to the funds of that Hospital, he should not object; but he could not help feeling that a large charge was imposed upon the public funds under the present system. He was not satisfied that Greenwich Hospital would have been chosen as the site for a Naval College, had it not been for certain concurrent circumstances which induced the Government of the day to appropriate the building for that institution. For his own part, he was rather inclined to the belief that another site would have been better. The hon. Gentleman the Member for Cardiff (Mr. E. J. Reed) had referred to him (Mr. W. H. Smith) with reference to the engagements entered into last year with regard to Reports of the different departments of the Admiralty. He was glad to say that before he left Office those engagements had been carried out as far as he was able to do so. He fully concurred with the hon. Gentleman that the public should be informed of the operations of those several departments of the Service, and more especially in the case of such a department as the Hydrographic department.

MR. PULESTON said, he hoped the subject would not be discussed with any misunderstanding. Was he to understand that the Board of Admiralty had, at present, no intention whatever of altering the existing systems, and that the remarks which had fallen from the Civil Lord of the Admiralty (Mr. T. Brassey) were not the views of his Colleagues. He thanked the Civil Lord for his satisfactory speech, and still hoped the hon. Gentleman the Secretary to the Admiralty (Mr. Shaw Lefevre) would be able to fall into the same groove. As far as he (Mr. Puleston) was concerned, he considered that both seamen and marines had been hardly and unjustly dealt with in more ways than one, and other matters relating to various classes in the Dockyards should receive attention. Therefore, he did hope that his hon. Friend the Secretary to the Admiralty would at least give an opportunity for discussing the question to those hon. Members who represented constituencies such as he did. More time should be given too for discussing the questions affecting the Engineers of the

Gorst) was in going into this matter in Committee. If he (Baron Henry De Worms) understood him aright, Greenwich Hospital was exclusively established for the purpose of maintaining a certain number of sailors, whose services to their country entitled them to similar privileges to those enjoyed by the pensioners in Chelsea Hospital. Admitting that to be a fact, they could not have a stronger argument in favour of all that had been said by his hon. and learned Friend. If this institution had been established, as it undoubtedly was, for the purpose of affording an asylum for those who had served their country well, surely they were the only persons entitled to any benefits derived from it, and adequate provision ought to be made to keep the scale of pensions they would deserve at the full amount to which they were entitled. His hon. Friend the Civil Lord of the Admiralty (Mr. T. Brassey) said that extra pensions had been granted out of the fund to pensioners of the Naval Reserve and others; but if the fund was inadequate to meet the just claims of those to whom by right pensions were due, all such claims should unquestionably have been satisfied in full before the others were considered at all. It was simply an attempt to make a saving for the benefit of the Imperial Exchequer at the cost of these deserving men. He brought this question some time ago shortly before the House, and the answer the Government gave was that the funds were not sufficient to provide pensions for the whole of the pensioners; but he took it that was simply a matter of right. Either these men who would have lived in the Hospital had a right to live there, or they were clearly entitled to compensation if they did not live there. That was the question, divested of all technicality. When his hon. Friend said there were not sufficient funds, the answer was received with a considerable amount of dissatisfaction on the part of those who were entitled to receive the pensions. On this question it seemed to him that the statement of the hon. and gallant Member for Devonport (Captain Price) was strictly to the point. To withhold these pensions was simply to save money for the Imperial Exchequer.

MR. T. BRASSEY reminded the hon. Member that the number of pen-

sioners had been increased from 5,000 to 7,500.

BARON HENRY DE WORMS said, he could not help saying that these buildings were undoubtedly let at a very small and inadequate rental, and much smaller than would be easily obtainable. The fact, therefore, that a large number of pensions had been given fell to the ground; because if this increased rent was obtained there would be enough for increased pensions to the men who were entitled to them. This was really a most important question; because these men had passed their lives in the service of their country. A contract was made with them by which they were morally and legally entitled to live in Greenwich Hospital; or, failing that, they were entitled to a pension in compensation for not living there. He trusted Her Majesty's Government would see fit to introduce some measure by which this injustice and hardship to men who had done so well in the service of their country should be once and for ever put an end to.

MR. GOURLEY said, so far as he had heard anything of the debate, he wished to say a word on behalf of the seamen of the Mercantile Marine. They were deprived of what was known as the "Greenwich Sixpence," which amounted to something like £63,000 per annum. There was something like 40,000 of these seamen who considered they were entitled to receive a larger amount of pension than they were now receiving. What he asked was, that Government would consider the desirability of affording to all seamen the pension which was now awarded. ["Order, order!"]

THE CHAIRMAN: I must direct the hon. Gentleman's attention to the fact that the Vote under discussion is the Scientific Vote, and the matter to which he is referring comes under a different Vote altogether—namely, that for Greenwich Hospital.

MR. GOURLEY said, he begged pardon; so far as he had heard the debate hon. Members had been discussing the question of pensions.

THE CHAIRMAN said, what had been discussed was the question of the rent for Greenwich Hospital, and the diminution caused to pensioners by the low rent paid.

MR. DICK-PEDDIE thought the Committee had wandered very much from

Baron Henry De Worms

cerely trusted that the hon. and learned Member for Chatham (Mr. Gorst) would bring that matter up in a forcible manner next year, and in such time as to have ample opportunity for discussing it, so that it should not be hurried over as it was that night, in order that the rights of seamen and marines might be less curtailed than they were at present with reference to that subject.

CAPTAIN PRICE said, he wished to ask, whether it was intended to bring on the Vote for Greenwich Hospital that night, because he intended to move a reduction of the Vote?

MR. SHAW LEFEVRE said, it was his intention to bring on that Vote. He hoped the House would not think it necessary to prolong that discussion. The matter had been fully discussed, and the hon. and learned Member for Chatham (Mr. Gorst) had had full opportunity for placing his views upon the subject before them. He begged to observe that the hon. and learned Member could not move to increase the Vote; the only proper way would be for him to raise the question by Motion, and he had understood that the hon. and learned Member intended to do so next Session. He hoped he would be satisfied with the answers that had been given. He would only add, with reference to the remarks of the hon. Gentleman opposite (Sir H. Drummond Wolff), that when the arrangements were made in 1867 there was an understanding, as explained by the right hon. Member for Pontefract (Mr. Childers), that if the buildings were required for naval purposes, there should be no rent chargeable to Naval Votes. Again, when the buildings were taken over for the purposes of a Naval College in 1872, the Greenwich Hospital Fund was relieved of the charges for repairing, which amounted to some £2,000 a-year; it was also relieved of rates of about £2,000 a-year, and charges for police of about £750. Therefore, practically, Greenwich Hospital was a gainer by the transaction to the extent of near £5,000 a-year. He would not go more into detail, as the whole question would, no doubt, be raised by the hon. and learned Member for Chatham next Session.

MR. W. H. SMITH said, he thought the whole question might be well considered; but it had been pointed out that that consideration could not take place this year.

If hon. Gentlemen opposite thought they could get a larger rental for the use of Greenwich Hospital, as a contribution to the funds of that Hospital, he should not object; but he could not help feeling that a large charge was imposed upon the public funds under the present system. He was not satisfied that Greenwich Hospital would have been chosen as the site for a Naval College, had it not been for certain concurrent circumstances which induced the Government of the day to appropriate the building for that institution. For his own part, he was rather inclined to the belief that another site would have been better. The hon. Gentleman the Member for Cardiff (Mr. E. J. Reed) had referred to him (Mr. W. H. Smith) with reference to the engagements entered into last year with regard to Reports of the different departments of the Admiralty. He was glad to say that before he left Office those engagements had been carried out as far as he was able to do so. He fully concurred with the hon. Gentleman that the public should be informed of the operations of those several departments of the Service, and more especially in the case of such a department as the Hydrographic department.

MR. PULESTON said, he hoped the subject would not be discussed with any misunderstanding. Was he to understand that the Board of Admiralty had, at present, no intention whatever of altering the existing systems, and that the remarks which had fallen from the Civil Lord of the Admiralty (Mr. T. Brassey) were not the views of his Colleagues. He thanked the Civil Lord for his satisfactory speech, and still hoped the hon. Gentleman the Secretary to the Admiralty (Mr. Shaw Lefevre) would be able to fall into the same groove. As far as he (Mr. Puleston) was concerned, he considered that both seamen and marines had been hardly and unjustly dealt with in more ways than one, and other matters relating to various classes in the Dockyards should receive attention. Therefore, he did hope that his hon. Friend the Secretary to the Admiralty would at least give an opportunity for discussing the question to those hon. Members who represented constituencies such as he did. More time should be given too for discussing the questions affecting the Engineers of the

Parliament, he drew the attention of the right hon. Gentleman opposite (Mr. W. H. Smith), then First Lord of the Admiralty, to the disadvantages they were under in not being furnished periodically with the results of the operations of the several departments of the Admiralty. He would take, for example, the Hydrographic department. As far as that House was concerned it was in utter ignorance of the proceedings of that department. He was glad to receive an assurance last year from the right hon. Gentleman, who was good enough to say, in reply to his appeal, that he would take into consideration the propriety of giving annual Reports of those several departments. He would now take the opportunity of asking whether the present Government intended to carry out the promise made by their Predecessors, and furnish the House with the operations of those departments. He felt sure, if they would do so, more confidence would be placed in those who had the administration of those departments; because, since remarks had been made on that subject in the House, there had been a discussion in the public Press, attacking the proceedings of the steam and hydrographic departments; and it was probable that those departments would be brought into disrepute, simply because that House was kept in total ignorance of their operations. An officer lately in the employ of the Government read a Paper not long ago, and in that Paper he pointed out certain deficiencies in our Service. He (Mr. E. J. Reed) would like to ask the Government, instead of giving the results of the operations of the Hydrographic department to officers, representatives of societies, and representatives of periodicals, to enable them to earn money by writing articles out of information required by that House, whether they would not give to the House an annual Report of the Hydrographic and other minor departments? He asked the question, because he believed that would bring such a department as the Hydrographic department into better relations with that House and the country, by exhibiting the valuable work which they did. He did not wish for a debate to be raised upon the point; but he hoped that the hon. Gentleman the Secretary to the Admiralty would take it into consideration, as he

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was sure that such annual Reports would be of material advantage to that House.

MR. SHAW LEFEVRE said, he did not recollect what passed last year. Perhaps, however, the right hon. Gentleman opposite (Mr. W. H. Smith) would remember. For his own part, he would endeavour to carry out the wishes of his hon. Friend (Mr. E. J. Reed) as far as possible, inasmuch as they were most reasonable. Instructions had been given for those Reports to be laid on the Table in future, and he should be happy to give every facility, so that the fullest information should be afforded.

SIR H. DRUMMOND WOLFF said, he was sorry the hon. Gentleman opposite (Mr. E. J. Reed) had referred to the Reports of departments, as he did not think himself that the question of Greenwich Hospital was exhausted. The right hon. Gentleman the Secretary of State for War (Mr. Childers) really could never wish them, in any way, to rely on the bargain of which he spoke. The right hon. Gentleman asked them to take that speech as a standard to apply to the compromise that had been effected. But the speech to which he (Sir H. Drummond Wolff) referred seemed to have been delivered several years ago, and which nobody, so far as he was aware, recollected, and which did not appear to have been reported. He would call their attention to the fact that since that time the right hon. Gentleman had not only been in Opposition, but had also been in other departments of the Service; and it appeared to him rather unreasonable to refer to that to explain the reasons why seamen and marines were deprived of a fair revenue for that valuable property. The question was, in fact, greater than many hon. Members supposed. They had, in fact, the Lords of the Admiralty acting in two capacities—as trustees for the aged seamen and marines on the one hand, and as Lords of the Admiralty on the other. They took the money of their *cœtui que trustant* and put it into the pockets of the Admiralty. £100 a-year was clearly an inadequate rent: the buildings were assessed at from £4,000 to £5,000 a-year, and they were asked to say they considered £100 sufficient rent. He thought that was unworthy of the Admiralty, acting in their capacity of Lords of the Admiralty, to make a profit out of that property. He sin-

cerely trusted that the hon. and learned Member for Chatham (Mr. Gorst) would bring that matter up in a forcible manner next year, and in such time as to have ample opportunity for discussing it, so that it should not be hurried over as it was that night, in order that the rights of seamen and marines might be less curtailed than they were at present with reference to that subject.

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Royal Navy to which he had already referred.

MR. SHAW LEFEVRE said, that his hon. Friend the Civil Lord of the Admiralty had given assurance that the matter should receive consideration, but that he could not hold out any expectation of a higher rent being given. The whole question would be raised next year, and, no doubt, there would then be ample opportunity for discussion. He could not, of course, say what would ultimately be done in the matter.

CAPTAIN PRICE said, that inasmuch as the question of rent of Greenwich Hospital could not be discussed fully this year, he should defer his remarks on the subject. But he thought the grievances of Greenwich pensioners were such that they ought to be considered immediately. He should, therefore, move to reduce the Vote by £1,500 when it came on.

MR. GORST said, he understood the hon. Gentleman the Civil Lord of the Admiralty (Mr. T. Brassey) to say that the question, whether or no the rent paid for the use of the Hospital was or was not adequate, would be carefully considered by the Board of Admiralty. Did he rightly understand that the Board of Admiralty would abide by that adequacy which had been the subject of discussion there for the last hour?

MR. MAGNIAC said, that the hon. and learned Member who had just spoken had reminded him that he (Mr. Magniac) was a Member for an inland town. He was quite aware of that, and, as a Member for an inland town, he had to consider how much rent should be paid for a Naval College as well as other hon. Gentlemen, and also to consider whether the country might not, perhaps, be paying—although the rent might be inadequate in a given instance—too large a sum for the purpose. There were, no doubt, other Colleges that might be at the disposal of the country for a similar or even a less figure. When the hon. and learned Member said that the rent was only £100 a-year, he (Mr. Magniac) did not quite see how he made that out. If the actual rent paid was £100, the charges connected with the place were so heavy that it brought the sum up to £4,000. ["Oh, oh!"] Hon. Members said "Oh, oh!" but if they examined his statement, they would see that if £2,000 was required for repairs, and

£2,000 for rates, and another £100 for rent, the total was over the sum he had named. His conviction was that the public were paying, at least, £6,000 practically for that building—he was certain that it was not a great deal less than that—when for a third of that sum he was sure they might get a more suitable place for the purposes of a Naval College. He thought it was doing no good service to make such statements as he had heard that night, that seamen were defrauded of their rights. Such misrepresentations would, on the other hand, he was convinced, do an infinite dis-service to those men. There could be no doubt that whatever had been done by that House had been done to their benefit and advantage. An hon. Member opposite had complained of the withholding of pensions for want of funds; but he must know that pensions to 7,500 men were now given, 2,000 of which had recently been added, principally, he believed, because Greenwich Hospital was closed. It could not be denied that there had been a very considerable increase during the last 18 years. Hon. Gentlemen should remember that, in doing service to their constituents, they ought not to do injustice to other taxpayers of the country. He was fully convinced that the rent paid for the building, taking into consideration the taxes and incidental charges, was excessive; and, setting aside other considerations, he believed that a more suitable place could be obtained for a less expenditure.

SIR H. DRUMMOND WOLFF said, he should like to explain to the hon. Gentleman opposite (Mr. Magniac) that the question was not one of charges on the property, but of rent. Inasmuch as the Government occupied a large building which belonged to seamen and marines, they surely ought to give a fair value for it. The hon. Gentleman the Secretary to the Admiralty (Mr. Shaw Lefevre) had stated that there had been an understanding between the right hon. Gentleman the Secretary of State for War and that House with reference to that question; but they were unable to tax their memory with it, and it must be obvious that they could not accept a speech made many years ago as if it were a legal document. There had been, in fact, no understanding between the Admiralty and the House, but only be-

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tween the Lords of the Admiralty as trustees and as administrators. Notwithstanding the remarks which had fallen from the hon. Member for Bedford (Mr. Magniac), he must say that there had been great hardship in depriving the men entitled of what was their due. He did trust that the hon. Gentleman the Secretary to the Admiralty would give them an assurance that the most serious consideration would be given to the question. He, unfortunately, was not able to be present when the Civil Lord of the Admiralty (Mr. T. Brassey) had made his speech. It appeared that he had said the whole question would be considered, whereas the Secretary to the Admiralty had stated that the question of rent only would be taken into consideration. He should like to have a clear understanding upon that to place before his constituents, who had been run down by the hon. Member for Bedford, so that they might understand what they had to look to from the Board of Admiralty—that was, whether the whole question would be considered by them or not.

CAPTAIN PRICE said, he should like to make a few remarks in reply to those which fell from the hon. Member for Bedford.

THE CHAIRMAN: Do they relate to the Scientific Branch of the Navy?

CAPTAIN PRICE said, they would incidentally relate to that branch. The hon. Member had stated that the number of pensioners having been lately increased, the pensioners had little to complain of, and that that number now stood at 7,500. He (Captain Price) did not see how that affected the matter. All the men that received pensions were, of course, entitled to them; and he believed that not one of the seamen who had fulfilled the conditions which entitled them to receive the benefits of Greenwich Hospital had, until now, been debarred from receiving his pension when he reached the age of 55. The number of men having increased, the number of pensions was, of course, proportionately raised to 7,500 from 6,000, the number at which it stood previously. He wished it to be distinctly understood that the pensions had hitherto been invariably given to men who were actually entitled. He did not see, therefore, how that affected the matter they were discussing.

THE CHAIRMAN: The hon. and gallant Member seems to be referring

to Pensions generally. The question before the Committee is for the Scientific Branch, and the question of pensions would properly be considered under the Vote for Greenwich Hospital.

CAPTAIN PRICE said, it appeared to him that the Government, by increasing that rent, would be only doing what was just in that matter.

LORD RAMSAY said, he trusted the Committee would pardon him for rising in order to call attention to the subject of the *Britannia* training ship.

MR. GORST said, he should like an answer to the question which had been put to the hon. Gentleman the Secretary to the Admiralty.

LORD RAMSAY having risen to continue his remarks—

MR. GORST said, he rose to Order. He wished to know whether the noble Lord was in Order in then addressing the Committee?

THE CHAIRMAN: The hon. and gallant Member for Devonport (Captain Price) had spoken on one side, and then the noble Lord the Member for Liverpool (Lord Ramsay) rose on the other. I called upon the noble Lord, who is perfectly in Order.

LORD RAMSAY said, that he trusted the Committee would pardon him if he rose before the Vote was taken, in order to call attention to the present system of entering and training officers in the Navy, of which the educational establishment on board H.M.S. *Britannia* formed only a part. He did so because, although the officers themselves, or, at least, a very large number of them, especially the best officers of the rising generation, were keenly alive to the defects of that system, it was not generally known to the outside world how thoroughly ill-conceived and badly organized that system was. Still less was it generally known how inferior in point of general education, and of professional training, especially as to the practical part of their profession, were the opportunities afforded to our own naval officers as compared with those enjoyed by the officers of the French, of the Russian, and especially of the American Navies. He must say that this was a matter about which he felt very strongly—very strongly indeed—so much so, that, although he did not mean, at least on the present occasion, to move the rejection of the Vote for the *Britannia*, he could

not allow it to pass without troubling the Committee with some remarks on the general subject to which the *Britannia* belonged. It was because he had had unusual opportunities of informing himself upon the question, which really was one of the very first importance to the Navy, that he felt it his bounden duty to point out the very unsatisfactory state of things which existed at the present moment. He would not detain the Committee by quoting from Blue Books, nor even by going fully into the matter. He might, perhaps, do that at some future time. He would merely speak now from his own knowledge, and confine himself strictly to what he considered to be, or rather to what he knew were the fundamental errors of the present system. These were the system of entering officers by nomination, and the early age of that entry, and the ill-planned, ill-organized, and harassing life which young officers were compelled to lead during their four-and-a-half years' sea service as midshipmen. Though during that time they were compelled to work very hard, most of their work was of a very unimproving kind, and their time was so abominably misapplied that these four-and-a-half years were little better than wasted. First, as to the mode of entry, he must point out that the Navy, unlike the Army, did not get the pick of the intelligence of the country. Candidates for the Army were selected by competitive examination from the widest possible area—in fact, all who could produce certificates of character might compete for Army cadetships. Candidates for the Navy, on the contrary, underwent no competitive test whatever, and they were drawn from the small area of those whose political or professional influence was such as to enable them to procure nominations for cadetships. In other words, naval officers were selected by favour from a class, and the patronage was in the hands of the First Lord of the Admiralty. All who obtained nominations became officers, provided they passed the test examinations; thus it might fairly be presumed that the average material out of which the officers of the Navy were manufactured was intellectually of an inferior quality to that which was available for the Army, and which supplied cadets to Sandhurst and Woolwich. Whether that was so in point of fact was a question on which he expressed no opinion whatever.

Lord Ramsey

He was well aware that the right hon. Gentleman opposite (Mr. W. H. Smith) fully appreciated the many objections to the nomination system, and that he was most anxious to abolish that system, both because it was difficult to obtain sufficient information about the candidates, and also because he found the distribution of patronage an almost intolerable nuisance. He believed the only, or the chief, reason why the right hon. Gentleman did not abolish nominations was, that he did not approve of competitive examination for boys of the tender age of 12 to 13½, the age at which the cadets now joined the training ship. And, no doubt, there was much to be said in favour of that view. But he thought, and he ventured to hope the Committee would agree with him, that to retain a system of patronage in the Service which, of all others, was the most truly national in every sense of the word, was a thing which ought not to be any longer allowed, no matter what difficulties stood in the way. That brought him to the second point to which he wished to call the attention of the Committee—namely, the age at which young officers began life on board ship. It was usually urged, by way of apology and defence, that unless officers entered very young, it was impossible that they should be reconciled to the hardship and confinement of ship life. To that he replied this was pure assumption, and he did not think there was any good ground for believing it to be true. He acknowledged that it was not uncommon to hear naval officers of experience say that if they had not entered the Service at an age when they knew nothing whatever of themselves, or of the world, they would never have joined the Navy at all; and therefore it was assumed, even by those who ought to know better, that unless officers were entered young, there would be great difficulty in obtaining officers at all. But that argument really told the other way, and he said that so long as they continued to enter boys at the present early age—12 to 13½—so long should they continue to enter a very large number whom nature never intended to become naval officers. What was most needed in selecting officers for the Navy was to secure personal fitness for a naval life. That was the one thing needful; secure that, and they might

safely enter cadets very much later than they did at present. Without it, although by entering them young they might reconcile many men to ship life, who would otherwise never be able to endure it, they would never succeed in producing any really first-rate naval officers. Now, he was quite certain that they could not even pretend to secure this personal fitness, unless the age of entry was fixed at such a point as would give time for a boy's character to be more or less formed, so that he might be able to judge for himself whether or not a naval career was likely to suit him. He did not hesitate to assure the House that this early entry was, perhaps, the most mischievous and pernicious feature of the whole system. Why, what were the motives which induced boys at the age of 12 to 13 to join the Navy? During the time—nearly two years—that he was commander of the *Britannia*—by command—he made the acquaintance of some 350 cadets; and it was, of course, his business to know the boys individually as well as he could. Many of them were undoubtedly as fine and promising youths as could be wished, and full of enthusiasm for the Service. On the other hand, there were many who only entered the Navy in order to escape from school; whilst others—and these were a very considerable proportion—told him that they joined the Navy merely because their parents wished them to do so, and not from any wish of their own. Some few even went further than that, and told him they did not much like the *Britannia*, and were doubtful if they would like the Navy. In short, the facts proved exactly what might have been expected, that whilst they entered boys at 12 to 13½, they could have no guarantee of their personal fitness for the Navy. But that early age was mischievous in other ways. Nothing was gained in the long run, and much was lost by taking boys away from school, stopping their general education just as their minds were beginning to open, and setting them down to study narrow professional subjects, which they would learn in half the time if their minds were more fully developed. And that had so far been recognized that a very large portion of the time on board of the *Britannia* was now given up to general subjects, not only to elemen-

tary mathematics, such as Euclid, Algebra, Arithmetic, and Trigonometry, but to still more general subjects than those, such as History, French, and Geography, subjects which belonged to the curriculum of every school in the country. Thus, out of the total 28 hours per week during the first six months the boys were on board the *Britannia*, only five were given to professional subjects, such as seamanship and navigation, and 23 to the general subjects he had mentioned. During their second term, eight hours were given to professional subjects and 20 to general subjects; third and fourth terms, nine hours to professional and 19 to general subjects. He thought these figures showed very clearly that the *Britannia* was not merely a training ship in which technical and professional subjects only were taught, but a floating school for purposes of general education. It was a great expense to the country, and one of which he thought the House of Commons might fairly complain. At the same time, he must say that so long as the system of entering young officers almost during their childhood was continued, so long did he hope that that House would continue to sanction whatever was necessary for their general education. The *Britannia* itself was, no doubt, a very anomalous institution—a ship without masts, a mere hulk, in fact, on board of which nothing was taught that could not be taught both better and more economically on dry land. But although he thought the educational work now done by the *Britannia* could be better done, and much better done by a College on shore with proper models, and a properly rigged ship attached, he was not discussing that point now. He regarded it as merely one of detail, in comparison with those which he was endeavouring to submit to the Committee; for he thought that, so long as cadets were entered at the present early age, it mattered little whether they were trained in a floating hulk or in a College on shore. The mischief in either case would be about the same; for in both this early naval training would have the effect of destroying much originality of character, and of narrowing the minds of our future officers, by cutting short their general education, and taking them out of the world before they had had time to see anything of it. Forty

or fifty years ago, there were reasons for entering officers as young as possible—reasons which no longer existed; first, because the hardships of sea life were in those days so great that it was really necessary for officers to begin young, in order to become inured to them; and, secondly, because practical seamanship was the one great professional necessity in the old days of sailing ships, and that was best acquired by practice and experience commencing from very early years. But now all this was changed; the hardships were now comparatively slight; whilst, as to seamanship, they not only did not expect or require so much of that peculiar skill in handling ships under sail alone, which was the pride of our officers in former days, but they now possessed a vast amount of knowledge of natural phenomena, embodied in the form of laws and rules, which greatly reduced in value the experience of any single life. Besides, sea service in these days of steam and iron-clad ships did not necessarily bring with it knowledge of seamanship; but seamanship could be taught like everything else, and it ought to be taught far more than it was. It could not be picked up in large iron-clads, and must be taught, if it was to be learnt. On the other hand, our officers were expected to acquire a very considerable amount of scientific knowledge. He maintained that a ship, especially a man-of-war, was just about the very worst place for study of any kind that could possibly be conceived; and he said that the original reasons for entering officers as young as possible having disappeared, it was purely mischievous to adhere to the practice. The only result was—on the one hand, to cause unnecessary expense to the country; and on the other, intellectual injury to the officers themselves. The third point—and it was the last with which he would trouble the Committee—was the anomalous and most unprofitable life that our young officers led during the four-and-a-half years which they spent as midshipmen on board a sea-going ship, from the time that they left the *Britannia* until they passed their examination for the rank of lieutenant. They were then in what he might call an embryo state of existence—half officer, half schoolboy. They kept regular watch both at sea and in harbour, and were generally on

watch about six hours out of every 24. Most of that time, he was bound to say, was wasted, so far as they themselves were concerned; for their chief work when on watch, in these days of steam, was no longer to assist in working the ship, but to walk up and down, report certain times to the commanding officer, see the decks swept, and the ashes thrown overboard. Then they were attached to a division of guns, and to a company of small-arm men, in connection with which a great deal of work was imposed on them, which in the Army would be done by non-commissioned officers—such as taking clothes lists, slop lists, and hammock lists. That sort of work taught the boys nothing whatever. It only wasted their time, and prevented them doing other things. Lastly, in addition to all this, midshipmen were supposed to study under the Naval Instructor for some two hours every forenoon; but that study was very irregular. It not only had to give way to the routine of drills which were carried on in every man-of-war, but was subject to all the vicissitudes of wind and weather at sea. Besides, under the most favourable circumstances, it was not to be expected that a growing boy could study to much good purpose when he had a four hours' watch on deck during the previous night; and, according to the custom of the Service, he would have such a watch during three nights out of four. A midshipman was sometimes excused from taking his forenoon watch in order to go to school. In that case, he lost some of the experience to gain which was the chief object of his being sent to sea. In short, his official duties interfered sadly with his studies, whilst his schoolboy work took every leisure moment, and greatly reduced the knowledge he might otherwise gain by experience, if only he had leisure and opportunity for observation. A midshipman now-a-days really was a very hard-worked individual—that was to say, he had to spend much time in work; but most of it was of so unprofitable a kind that the gain to himself in professional knowledge was comparatively insignificant. In short, his time and labour were vilely misapplied; he could not combine, with advantage, the double character of officer and schoolboy. And it was vain to expect that he should. A very few able and ambitious

Lord Ramsey

boys, gifted with strong constitutions and physical energy, might succeed in doing so; but, generally speaking, the attempt had always failed, and he was quite sure that it always would fail. He felt that it was presumptuous, and certainly not wise, in a new Member to speak at such length in Committee as he had done. He was really ashamed of himself, and only hoped that the Committee would forgive him. The truth was that this question of naval education and naval training had long lain on his conscience. He felt very strongly about it; he knew it to be a matter which vitally affected the efficiency of the Navy, and, therefore, he had ventured to think it of such importance as to warrant his trespassing in some degree on the forbearance of the Committee; and he could only say that he was sincerely grateful for the kindness and indulgence by which he had been enabled to call attention to what certainly was by far the greatest blot in our naval administration, and a distinct source of naval weakness in the future. He had just one thing more to say, and that was that he hoped the present Board of Admiralty would not hesitate to go to the root of the matter. He hoped they would put a stop to the mischievous practice of entering children, and to the equally vicious system of entering them by nomination. He did not see why, in these days, officers of the Navy should be selected by favour from any privileged class; and he hoped that the present Board of Admiralty would get rid of the patronage, and would throw open the Navy, like the Army, to the best ability of the nation. He could assure the hon. Gentleman who represented the Board of Admiralty in that House that by taking up the whole question of naval education, and dealing with it as a whole—not in a fragmentary way, as hitherto, by tinkering first at one part, and then at another—now at the *Britannia*, and now at the College at Greenwich—he could assure him that by dealing with the question as a whole, and in a large and liberal spirit of common sense, as opposed to the narrow counsels of professional pedantry and prejudice, to which was mainly owing the many absurdities of the present system, he would be doing a new thing; and by doing it he would confer a very great benefit on the Navy of the

future, and do more to strengthen it than if by one stroke of the pen he was to build 50 iron-clads.

MR. GORST said, he must congratulate the noble Lord who had just sat down (Lord Ramsay) on the patriotism and courage he had shown in bringing the subject of training officers for the Navy so fully before the attention of the Committee; and he was sure that the Committee must be glad that they had reported Progress at that stage on a former occasion, because otherwise they would have lost the advantage of the able and valuable speech which the noble Lord had delivered. He now desired to call the attention of the Committee to the cost of that education which had just been described. He was quite aware that no cost would be considered by the country too great to pay for the production of officers of the highest education for our Navy; but the noble Lord, who had had practical experience of the present system of education, had shown how extremely deficient that education was. It was now, therefore, opportune to call attention to its cost. He found from the Estimates that the expenses of the College amounted to £18,961, to which had to be added the charge for the pay of the officers employed in the direction of the College—namely, £18,071; making a total of £37,000 odd as the annual cost of the school-ship *Britannia*. He had not been able to find in any Return the number of boys on board the *Britannia* at one time; but he believed it never exceeded 120. He should, therefore, be giving a great advantage to the expenditure in assuming that the £37,000 was expended upon that number of boys. The result of it was that the cost of the education of each boy was £308 a-year, exclusive of clothing and other expenses defrayed by parents, an expense greater than the cost of education at the most expensive public school in the country. It was true that some part of this expense was recouped by the parents, who paid £98 a-year; but the expense to the country was upwards of £210 for each boy. Now, he could not help thinking that if the education was no better than had just been described, this was a very heavy sum for the country and the parents to be charged with. After the account given of the education on board the *Britannia* by the noble Lord, nothing

which he (Mr. Gorst) could add would, perhaps, have very much weight with the Committee. But he had looked into the Report which gave the most recent information upon the subject that was open to the House of Commons, and from that he would give the Committee two extracts as specimens of the results of the system as regarded French and Latin. The Examiner reported, in the case of the former, that the accent, pronunciation, and conversational powers of the cadets was tolerably good, but that their grammar was exceedingly defective. They did not know how to make an agreement. They did not know how to distinguish the perfect from the participle. They did not know how to make use of the dictionary, for they frequently took the words given at random. Such was the result of the French examination. With regard to Latin, the Examiner reported that the translation of passages, both those which had been read during the term and those which the cadets had not previously seen, was very badly done. Hon. Members experienced in school management would be able to understand from these statements how shockingly bad must be the results which the Examiner had thus described. In defence of such a system, which was opposed to the practice of all other nations, nothing could be said. In the United States Navy they took boys at a later age. In the French and Russian Navies boys of 17 were admitted; while in the Turkish Navy, which they had been accustomed to regard as admirable, they were taken at the age of 18, and these young men of 17 or 18, whose education had up to that age cost the naval administration of these countries nothing, turned into officers in whose presence the noble Lord had just said he had been sometimes ashamed. He believed that Englishmen were, beyond all comparison, naturally the most able of naval officers; and if they had a fair chance given to them, and were thoroughly trained, they would beat all the naval officers in the world. It was, therefore, startling to him to hear the noble Lord say that he felt ashamed, in the presence of officers of foreign Navies, of the want of scientific education in his colleagues. He hoped the subject would be taken up by the Government, and thought that the hon. Gentleman the Secretary to the Admi-

Mr. Gorst

ralty, who had himself given great attention to the matter, would do well to call further attention to it. The education of naval officers demanded earnest attention, and it was to be hoped that they would not in future be called upon to vote the extravagant amount of £305 a-year for each of the boys admitted on board the *Britannia*, and, at the same time, hear from the noble Lord, with all his experience in the matter, that the education given there was wholly defective, and that the results were such as to cause him to blush in the presence of foreign officers.

MR. E. J. REED said, he rose for the purpose of saying that the views which the noble Lord (Lord Ramsay) had laid before the Committee that evening had been, to his (Mr. Reed's) certain knowledge, entertained for some time past by those concerned in the education of young officers for the Navy; and he believed he should be within the mark in saying that representations had been made in times past indicating the results which the noble Lord had pointed out. But he had felt, having taken great interest in the subject for many years, that it was almost hopeless to expect a change unless and until the subject was taken up by a naval officer who had experience of the system, and who spoke with considerable weight in that House. He had been extremely pleased to hear the statement of the noble Lord, because he was convinced that in that statement had been pronounced the virtual end of the present system. The noble Lord had touched with great force on every one of the points which had weighed on the minds of those concerned in this question. The early age at which youngsters were appointed to the Navy was in such contrast to the practice in this respect of other nations that he was glad to hear the subject so forcibly put forward that evening. He hoped, when the Admiralty had time to deal with the subject, the age of admission would be advanced in accordance with the practice of other nations. The Committee must not be surprised to find that so unsatisfactory a state of things as had been described existed, because that arose out of the change of circumstances which had been brought about within the Royal Navy. As the noble Lord had pointed out, the system which was now unsuitable was necessary in the state of

the Navy which had passed away, when it was the chief thing for an officer to know the way to manage a ship under canvas, but when it was not necessary, as it was at present, to train him in a number of scientific subjects. There was another point in the speech of the noble Lord to which he would allude—namely, the unsuitableness of a man-of-war in commission for the continuation of the education of naval officers after leaving the *Britannia*. He (Mr. E. J. Reed) had recently conversed with a young officer who deplored the fact that while the Naval Service laid upon him the necessity of studying a large number of scientific subjects it furnished him with no opportunity for doing so. He did certainly despair of giving young officers on board ship any great facilities in that respect, and was of opinion that the more they could acquire of scientific knowledge before they embarked on the deck of a man-of-war the better it would be for them. The noble Lord had truly pointed out how necessary it was for naval officers in the present day to acquire a large amount of scientific knowledge. At the most, a few years ago, a fair amount of mathematics, enough to enable them to learn navigation, was all that was expected of them; but, in our days, the youngsters of our Naval Service must study other subjects. Scientific gunnery had become part of the business of every officer in the Navy, and the use of torpedoes required a considerable knowledge of chemistry and electricity. If there had been no other reason for change, the altered condition of the Naval Service, and the increased necessity laid upon naval officers for the acquirement of scientific knowledge, would have imperatively demanded an alteration in the system of naval education. It was not, he believed, necessary to say much for the purpose of urging that the attention of the Admiralty should be given to this subject, because he felt they were fortunate in having a Board perfectly able and willing to take a question of this kind into their serious consideration, and that it would be wisely considered was guaranteed by the presence of the hon. Gentleman below him, the Secretary to the Admiralty, as well as by the character of the First Lord. He ventured to make these observations, for the purpose of enforcing the fact

that it was not merely the young officers in the Naval Service who felt the necessity for change, but the educational officers. He felt sure, with the exception of men of mature years, whose experience had been gained in past times, that the Admiralty would have the entire concurrence of the Naval Service.

CAPTAIN PRICE said, he thanked the noble Lord (Lord Ramsay) for the able and lucid speech which he had delivered. The noble Lord had spoken upon the question with a weight which belonged to no other Member, because he had been for a considerable time connected with the system of education on board the *Britannia*. He (Captain Price) rose, not so much for the purpose of adding his testimony to what fell from the noble Lord, as for the purpose of assuring the Committee that the ideas which had been advocated by him were fully borne out by the experience of many officers in the highest positions in the Navy. The principal question before them was the great cost of the *Britannia* as a Naval College. The hon. and learned Member for Chatham (Mr. Gorst) had told the Committee that the cost of education of each naval cadet on board that vessel was £308 a-year. He (Captain Price) believed the hon. and learned Member was rather under the mark, because a certain number of young officers were removed from the Service from one cause or another, and the money spent with regard to those must be taken into account. But the cost was not the only consideration which must guide them in this matter. He quite agreed with the noble Lord that if the *Britannia* were done away with, and the young men educated in the public schools, and then sent to sea at the age of 15 or 16, it would be a great improvement on the present system. In that opinion he was fortified by the views of Commodore Goodenough, who held that a distinction should be made between the period of education and that of special training, and that the special training should be in the hands of the Government, while the education should be left to the parents to be provided in the ordinary schools of the country. He thought that the education provided by these schools was sufficient for that purpose. Again, Admiral Sherard Osborne held that the educational advantages which the Colleges and other institutions in the

country afforded to the youngsters of the day would fully enable them to come up to any standard required. Admiral Ryder also, who had made the subject a very special one, was also in favour of young men being gathered from the public schools of the country, which he was convinced by experience would supply the best description of raw material for the Navy. And then he added, there was something in the atmosphere of public schools which prepared boys to become good officers. If the *Britannia* were done away with the question must, of course, be considered as to when it was desirable that special training should be given. Many officers were of opinion that boys should enter training ships before going to sea. But he could not regard that as the best course to be adopted. Boys of the age of 15 or 16 ought, he thought, to go to sea at once, not in ships like the *Thunderer*, but in small ships, where they would learn to discharge their duties in a practical and satisfactory manner. If boys were entered at the age of 16 they should be sent to sea at once, because they limited the time during which they could learn, practically, the duties of their profession, if they were sent to a training ship until they were 17 or 18. For many reasons, he believed, it would be advisable to send the boys to sea at once. He had entered the Service at the age of 13, having received a good education at a private school, a good deal of which he had always felt he had lost during the next two years. In those two years he had really learned nothing at all of his profession, although he had been under a Naval Instructor. But at 15 or 16 years of age, having been appointed to a small sea-going ship, he began to pick up the duties of his profession. With regard to special training, his view was that this ought to be given at a Naval University after the age of 19, because at that age the young officer was particularly anxious to learn, and everything he did learn of a scientific character at that age he was much more able and likely to retain in his memory. There was another reason in support of this view. The sub-lieutenants spent a certain portion of their time at College, and then went to sea, where they did nothing unless they were fortunate enough to get appointed to small ships. The greater number, however, were drafted

into large ships, where they either did duty as midshipmen or nothing at all, because the commanders of those vessels did not like to intrust the charge of their ships at sea to young officers, even though they might have come out of College with flying colours. He thought that the time now spent in that way might, with the greatest possible advantage, be spent at a Naval University, and that the money saved by doing away with the *Britannia*, and training the boys at public schools at their own expense, might very well be appropriated to extending the course now gone through. If that scheme were adopted, it would result that about half of the lieutenants on the list would be studying at the University, while the other half might be drafted into small ships, where their qualities would at once be put to a practical test. This question was, of course, not a new one. He thought the best course for the Admiralty to follow would be to appoint a Departmental Committee, composed of naval officers, to investigate the whole subject, because there could be no doubt that circumstances had changed a good deal since the House had last received any information with respect to it. The Government, he thought, would act wisely in doing that; and the House would, he believed, be satisfied with the Report of the Committee.

MR. SHAW LEFEVRE said, they had listened with pleasure to the very able and eloquent speech of the noble Lord (Lord Ramsay), and it would be a satisfaction to the Liberal Party to have in their ranks a gallant Officer so competent to take part in naval debates, and of whom it might be said that he represented the views of the more advanced branches of the Service. He (Mr. Shaw Lefevre) had the greatest interest in all the points which had been raised by the noble Lord, to which on many occasions, both in the House and in Committee, he had addressed himself, and should now lose no opportunity of bringing them before his Colleagues at the Admiralty. If, on that occasion, he did not deal fully with the subject, it was because they were under the consideration of the Admiralty, whose views he was not then in a position to state. With reference to the first point alluded to—namely, the mode of election, he had, on frequent occasions, expressed his opinion that the

present system of nomination was not satisfactory. The Committee would recollect that, in 1869, a change in this respect had been made, and the Service was, to a certain extent, opened to competition for the first time, applications being allowed for double the nominations than there were vacancies. There had existed a good deal of feeling against open competition in the case of boys of so young an age, and he could not but feel that there was considerable weight in that opinion. For that reason his right hon. Friend had not thought it well to open the Service completely to the competition of all the world. However, that system, under which the young men competed for cadetships, was altered by the late Mr. Ward Hunt in 1874. He had himself most strongly disapproved of that change, which was made undoubtedly in consequence of the Report of the Committee which sat to consider the question, but which Committee he had always considered inadequate, while their Report had not, in his opinion, carried weight in the country. He did not know what the right hon. Gentleman opposite the late First Lord of the Admiralty thought on the subject; but he was inclined to think he was not altogether satisfied with the principle of pure nomination, and that he would be glad to see some change in the direction indicated. All he could then say was, that the subject was engaging the attention of the present Board of Admiralty. He trusted before long to be able to state what decision had been arrived at. If any change were made, it would probably be in the direction of opening the Service, to a certain extent, on the principle of competition. Then, as to the early age at which cadets were nominated, and the length of time which they served on board the *Britannia*, he should not speak confidently. There was a growing feeling amongst a large class of officers that it would be a good thing to advance somewhat the age at which boys were nominated; but it should be remembered, on the other hand, that there was a very strong feeling amongst many naval officers that it was wise to bring boys into the Naval Service at as early an age as possible. During the first two years on board the *Britannia* cadets did not receive a strictly naval training—not a professional education purely as naval officers; but they gained a professional training in those

educational subjects of importance to naval officers. It was, therefore, a question whether it was desirable to take them away from public schools in order to give them that special educational training which they required in order to fit them to become naval officers. No doubt they could be educated at public schools, yet they might lose that special training in naval subjects which was imparted at the *Britannia*. He only stated the difficulties of this question without stating his own opinion, or that of the Lords of the Admiralty upon it; but he, however, thought that there was considerable weight of opinion that the cadets might be as well educated in a College on shore as in a ship, provided they had certain accessories, such as boats. Successive Boards of Admiralty had considered the expediency of doing away with the *Britannia*, and establishing a Naval College on shore, as was propounded by the late Mr. Ward Hunt. That scheme only fell through in consequence of the great difficulty attending the question of site. He was quite ready then to support that proposal; but he did not at the time express any strong opinion as to where the College should be situated. The only opinion he gave was that it was desirable to do away with the *Britannia* and to have a College on shore. There was no doubt that the education on board the *Britannia* was a very costly one, though not so costly as had been stated by the hon. and learned Member for Chatham (Mr. Gorst). The hon. and learned Member had added to the cost of education the wages and victuals of the seamen who had been employed on board the *Britannia*; but the wages and victuals of the seamen must be found, whether they were employed on the *Britannia* or somewhere else. If, therefore, they deducted the wages and victuals of the seamen, the cost of education was very much less than that stated. The cost of education for each boy would amount in that case to £186 per annum. He had no doubt that if the College was established in some suitable place a boy could be given a very fair education at much less cost. They might reasonably hope that if it were necessary to take these boys, when leaving the public schools, and before going on board ship, to any College erected upon shore for the purpose of their education, the cost would be very

much more moderate. He would repeat that the whole question was now receiving the attention of the Board of Admiralty; and he hoped to be able to announce their decision at no distant day.

MR. W. H. SMITH said, that he had listened with great pleasure to the speech of the noble Lord (Lord Ramsay), with whom he had the advantage of frequent communication when he was serving in the *Britannia*. The subject to which he had directed attention was a very important one—the importance of which it was scarcely possible to overrate. The cost was as nothing, for they must have the very best instructed naval officers for the Navy at any cost. This subject had frequently engaged his attention, and he had given as much consideration as it was possible for a person in the position of the First Lord of the Admiralty, while discharging other duties of a very pressing character. He felt that the hon. and right hon. Gentlemen who had succeeded were placed at a great disadvantage, in consequence of the pressure of public work, in endeavouring to work out a question of this kind which required so large an amount of consideration. When he first gave attention to this subject, he was inclined to adopt the view that the *Britannia* itself was totally unnecessary. That was the first conclusion to which anyone would arrive, if the views of the authorities with regard to the special training of young officers for the Naval Service could be entirely disregarded. But when he made inquiry as to whether it would be possible to provide a supply of boys from public schools with the qualifications now possessed by those who passed out from the *Britannia*, he found that there were very few, if any, public schools which could provide boys with the amount of special mathematical knowledge which was deemed necessary by the highest authorities. In other words, the standard which they required from the cadets at the age of 15 was much higher than the standard required in the public schools. If the *Britannia* were abolished, and boys were examined into the Service at the age of 15, supposing the standard remained the same, the boys would be crammed up to that point which was necessary to the special examination. But he was afraid they would not be so well instructed in general

knowledge as the boys in the *Britannia* at the present time. The noble Lord had referred to the possibility of examining into the Service at the age of 15; but, as he (Mr. W. H. Smith) had pointed out, that would involve either less mathematical knowledge on the part of the cadets, or the substitution of the cram system.

LORD RAMSAY said, that he never intended to imply that no special mathematical training was required for naval officers. Far from it. But he had said that a College ought to be substituted for the *Britannia*, and that boys should join that College later than they now join the *Britannia*.

MR. W. H. SMITH repeated that he had first been of opinion that the *Britannia*, as a mere school, might be done away with, and that the expense which it cost the country might be saved by boys being educated in public schools up to the age of 15; but he satisfied himself that no public schools furnished the boys with the special mathematical knowledge at the age of 15 which they required; and they would, therefore, have to fall back upon the cram system, with disastrous results to the boys. The noble Lord had gone into the question in a much more serious manner than was implied by the mere continuance or non-continuance of the *Britannia*. He had entered into the whole history of the education of a cadet from the time when he entered the *Britannia* to the period when he passed his examination as second lieutenant. He was very glad to hear the hon. Gentleman the Secretary to the Admiralty state that the whole question would be considered, for, as the noble Lord had said, the question of the *Britannia* was only a fragmentary part of a very great question. The duties which were required of naval officers in modern times were very different from what was formerly the case, and even in this time a considerable change in the course of education, although in a fragmentary manner, had been made. He, for one, agreed that it was impossible for the boy to get up his duties on board ship and to derive much benefit from the Naval Instructor during the few hours a-week which he was allowed to devote to him. He had never been satisfied with the present system in that respect. Either the cadet felt that he could not do his work for the

Naval Instructor, or he considered that he was interfering with his duties as officer, and the cadets were thus left to feel that the whole system was a mistake, and an error which failed to carry out the purposes in view—namely, the gradual and complete education of young officers in all the duties expected from them. If that were the case, what was to be substituted for the present system? It was a very grave question, and one that required very serious consideration. The question was entitled to so prolonged and extensive consideration that he feared it was almost beyond the power of the Board of Admiralty to give proper consideration to it. He did not for one moment suggest that the responsibility of the Admiralty should be taken from them; but he doubted very much, judging from his own experience, whether it would be possible for those who had succeeded him at the Admiralty, to give so much consideration to the question as to enable them to produce a result which would satisfy themselves. Commissions had been appointed from time to time to consider the whole question of naval education; and he thought that a time had now arrived when a Royal Commission might be appointed to consider the whole question. He thought that if that Commission were selected with sufficient care and judgment from amongst those acquainted with what was really necessary, a result might be arrived at which would form a satisfactory settlement of this question for a long time to come. He had himself thought that it was desirable, even when they took boys at the early age of 13, to allow anyone under certain restrictions to send boys to a Naval College, and to keep them there until the age of 16, when, by competitive examination, they would determine which of them were to pass into the Service. Of course, that only referred to the first part of the question—that of the entry of cadets which was a most important matter. He was conscious of the fact that from the age of 16, when the boys went to sea, and until they returned and passed through the examination as second lieutenants, much of their time was wasted, and, as a consequence, men who might have been an ornament to the Service were not given an such an education as they ought to receive. He

thought that they ought to make the best use of the materials they possessed, and to afford every opportunity for the development of those qualities which existed among the boys who desired to enter the Public Service. He trusted that the noble Lord would forgive him, however, if he referred to his remarks with regard to seamanship. The noble Lord left the impression that now that ships of war mainly consisted of iron-clads propelled by steam, seamanship was not required. While the old kind of seamanship was no longer required, he thought that seamanship of an informed intelligent kind was still required.

LORD RAMSAY said, that the right hon. Gentleman opposite (Mr. W. H. Smith) seemed to have misunderstood his observations. When he used the word "steamship" he did so in a strictly professional and technical sense. He had not spoken of the art of handling ships under sail in difficult circumstances. He fully agreed with the right hon. Gentleman that that was as necessary as it formerly was.

MR. W. H. SMITH said, that he was glad to have elicited the explanation from the noble Lord, that he was sure that the noble Lord would not wish that his comrades in the Service should entertain the impression that he made the suggestion that the art of handling a ship under sail under difficult circumstances was not necessary. He would not detain the Committee any longer, but would state, in conclusion, that when at the Board of Admiralty he felt the responsibility of nomination very great, and that if a better system could have been devised he should have been very glad to have adopted it. He did not think, however, that open competition between boys of 13 was likely to secure the best results for the British Navy—although he thought that competition at a later period, perhaps at 15 or 16, after the boys had received a proper training at a school or College, might be found successful. The training necessary for such later competition would, it should be remembered, fit those who had undergone it for many useful occupations in life. They would be fitted for the Army, for Woolwich, or for other professions.

MR. WHITWELL said, that they now found, from what had been said by those who had spoken since the noble Lord

(Lord Ramsay), that this after all was no new question, and that there had been almost a consensus of opinion on the fact. Thus the question had not been moved too soon, but had only waited to be properly brought forward in the Committee by some hon. Member who thoroughly understood it. He trusted that the Committee would now urge upon the hon. Gentleman the Secretary to the Board of Admiralty to treat the question as one which must be immediately dealt with. The hon. and learned Member for Chatham (Mr. Gorst) had referred to the expenses of the education on board the *Britannia*. That education had, undoubtedly, been expensive, and its results, moreover, had not been satisfactory. What they had then to press upon the Admiralty was that this subject should no longer be treated as a mere departmental question. They had heard that the education given to the officers in the Navy was inferior to that given in foreign Navies. The hon. Gentleman the Secretary to the Admiralty might feel that the country would not grudge any money for the education of its naval officers, while it was most essential that the Navy should be managed by men of the highest experience and the highest intellectual power attainable. They must not allow this question to drift amongst those too numerous questions which were only to be thought of or considered. The thing must be done; and he was sure he was speaking not only his own opinion, but that of the whole Committee, when he said the subject must be grasped and a satisfactory result brought about.

MR. BENTINCK said, that the hon. Gentleman the Secretary to the Admiralty (Mr. Shaw Lefevre) had referred to a Naval School at Dartmouth. He (Mr. Bentinck) believed that no greater mistake could be made than that of building a Naval School on shore; putting all questions of cost aside, it was, he thought, impossible to have an efficient school of that kind. Although they did not acquire much of sea-going habits, they learned more on board the *Britannia* than they could on shore, more particularly with regard to the habits of ship life. He believed that the present system was radically wrong; there was too much cramming of the head and too little exercise of the body, and he should not be surprised if the Naval Service became

disorganized in consequence. He was convinced that the boys would turn out better sailors and more useful men if they were kept afloat during the scholastic period. The proper course was to send boys to sea; by that means they would learn more in three months than they would learn on shore in 12. They ought also to be given healthful exercise and not be overcrowded with studies. He did hope that nothing would induce that House to sanction the establishment of a Naval College on shore.

MR. JENKINS said, that the ships of to-day were not like those of 50 years ago. Not only had the steamship been introduced, but with sailing ships there was not the amount of manœuvring that there used to be. In the case of the Merchant Service, what was required was merely long sea service, and that was the only way of obtaining the requisite knowledge. Such knowledge was frequently of immense service in saving a ship from disaster. He thought that, as a rule, the officers of our Navy spent too much time in port—probably two-thirds of their time was so spent, and they were not sufficiently long at sea. For his own part, he believed that the many disasters they had had during the last few years was due to that fact. The noble Lord (Lord Ramsay) had referred to the training of officers, midshipmen, and sub-lieutenants. For his part, he (Mr. Jenkins) could not understand why the ships in which those officers went to sea were not kept under canvas without the use of steam power, so as to enable them to learn sailing tactics, instead of being mainly propelled by steam. For that reason he fully concurred with the system of flying squadrons, which had been introduced by the present Secretary of State for War (Mr. Childers). He hoped that inquiry would be made as to the ships at foreign stations; take, for instance, the China station. He would venture to say that if the Admiralty made inquiries, they would find that the ships at that station spent two-thirds or three-fourths of their time in port. How could any officers, he would ask, be expected to learn their business without continual sea service? He believed that if that matter received the attention of the Board of Admiralty it would be a step in the right direction. He had advocated, last year, that ships should be sent home from the China

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station to be re-fitted, and not repaired there, and others sent out to relieve them. Officers would thus have the opportunity of gaining experience at sea on the voyage. Instead of that, many of the ships remained abroad, year after year, and officers were sent out as passengers to relieve those whose period of service had expired. He felt sure that the discussion which had taken place that night would tend to remove the blots which at present existed in our system. He was glad that that discussion had taken place.

SIR ANDREW LUSK said, that when he compared the Mercantile Service with the Naval, he was at a loss to understand how it was that so many difficulties arose with regard to the latter Service. He could not discern how it was that, recruited as the Navy was with young men of good education, and with every possible advantage, it cut such a poor figure when anything was required to be done. He thought that thanks were due to the noble Lord the Member for Liverpool (Lord Ramsay) for having given them an insight into how things went on. It appeared that children of 13 years of age were sent to the *Britannia*. They were not old enough to learn much, and, after a time, it was found that their education was deficient, and that they were dissatisfied with their positions. He would ask the Board of Admiralty and the nation, if that was the right way to introduce young persons into the Navy to manage its affairs? He should say—do not send little boys of 13 years of age into such a Service; they were far too young to acquire any real and valuable knowledge. The fact was, that these boys were sent there to please their mothers and sisters and aunts, and very often, he believed, they had neither education nor brains. They ought to consider the question seriously, and it was the duty of the Board of Admiralty to endeavour to obtain the services of a more advanced class of young men, who had shown some capacity and ability, qualities which could not be expected to be shown by mere children. If they looked at the Naval Service for the last few years, they would find that several ships had been lost; and if they then turned to the Mercantile Service, they could find nothing of the kind in the recent history of the great Companies. Take, for

instance, the Cunard line; they had run for over 40 years, and had never lost a single ship; and the Peninsular and Oriental had run for many years to the East Indies, and had never made a blunder, and, in fact, never varied as regarded the time they took in reaching their destination. He asked why they should have those difficulties as regarded the Naval Service? He had no hesitation in saying that naval officers had shown no remarkable skill of late; and he believed the same charge might be brought, with almost equal truth, against their Army. He thought it was high time that those matters were carefully looked into. The Navy was in a most unsatisfactory condition; every naval officer was dissatisfied, and a very large number of those officers were on half-pay. He was sure the present state of things was most undesirable. The noble Lord who had recently addressed them (Lord Ramsay) had brought some very useful information before the Committee, and he had hinted that the education of each child cost, in one way and another, about £300 a-year. That being so, it must be obvious that none but the upper classes could allow their children to go into the Navy. He thought it was a monstrous thing that the education of those children should cost anything like from £200 to £300 a-year. When the hon. Gentleman the Secretary to the Admiralty (Mr. Shaw Lefevre) said that the subject should receive the most careful consideration, he hoped that he would bear in mind the lectures he had received that night. That hon. Gentleman had referred to the system of open competition which the present Secretary of State for War (Mr. Childers) had endeavoured to initiate when he was at the Admiralty. For his own part, he could see no good in subjecting such children as were now sent to the Service to competition. If they were 17 or 18 years of age it would be very different. He trusted that the Gentlemen who now were in charge of the Admiralty would endeavour to procure a more efficient Navy, as he feared the consequences in case they found themselves suddenly involved in a naval war. He trusted that the best assistance that could be given by those in authority would be given to the subject.

MR. ARTHUR O'CONNOR said, he should like for a moment to bring the

Committee back to the question of the Vote of some tens of thousands for the departments of the Navy. A number of hon. Gentlemen had referred to the cost of training cadets on board the *Britannia*; but the real cost, he believed, was known to nobody. The Admiralty itself did not know how much it cost to train cadets on that ship. They were asked now to vote a sum of £9,811 on account of the *Britannia*; but he thought he could show that the Government did not require that money which they then asked them for. They had that amount and more than that already, and were not therefore in any need of further Votes on that account. If hon. Gentlemen would look at the Comptroller and Auditor General's Reports of the Appropriation Account of the Navy Estimates of last year, they would see, from pages 101 to 112, a series of ledger balances to the amount of £13,243, held by the Government on account of the subscriptions received from the parents and guardians of naval cadets on board the *Britannia*. That fund had been accumulating for years; representations had been made over and over again to the Government with regard to those balances, and over and over again those representations had been evaded; numerous categorical letters had been addressed by the Comptroller and Auditor General, but the balances still remained in their hands to the extent of £9,000 odd. From that source they had not only sufficient to carry them on from September, 1879, to the end of the last financial year, but quite enough besides for all the expenditure in connection with the *Britannia* training ship during the present financial year also. There were three funds from which money was supplied; there were the Votes in Parliament, the Naval Cadet Fund, and what was called the private fund of the naval cadets. The proportions were somewhat in this way—where £3,700 was spent out of Imperial funds, £3,400 came out of the Naval Cadet Fund, and £700 out of the private fund; therefore, more than half of the money came from the Parliamentary Votes. The Government had a balance in hand more than sufficient to defray the annual charge, and there was, therefore, no necessity for that £9,811, unless the balances were fully returned to the parents or guardians.

Mr. Arthur O'Connor

If there were no promise held out to that effect, he should deem it a necessity to move to reduce the Vote by that sum.

MR. SHAW LEFEVRE said, that the sum to which the hon. Gentleman (Mr. Arthur O'Connor) had referred, consisted of contributions of parents for the education of their children on board the *Britannia*. A discussion had arisen between the Admiralty and the Treasury as to its disposal. The fund would have to be paid into the Exchequer, and the money spent on the children's education must be voted by that House.

SIR PATRICK O'BRIEN said, he wished to call the attention of the hon. Gentleman the Secretary to the Admiralty (Mr. Shaw Lefevre) with regard to an important matter. There was very great jealousy felt in the Three Kingdoms with reference to the mode of entering the Navy through the *Britannia*. Naval cadets appeared to be in a totally different position from the young men who entered the Army. No doubt, in some few regiments it was necessary to obtain permission of the General before entering; but that was the case, he believed, only in a few special regiments, such as the Rifle Brigades, the Guards, and an attempt had recently been made to introduce a similar system in the 60th Rifles, but the Army generally must be considered as open. He did not profess to know much about the Navy; but he had been told that there were certain schools which had obtained a certain amount of patronage with regard to admission into the Navy, and, with the exception of the patronage which the First Lord and some distinguished officers possessed, there was no other way of getting into the Navy. Generally speaking, unless a man could procure the interest of the First Lord for the time being, he believed, under the present arrangement, it was very difficult to get a nomination. He wished to ask his hon. Friend the Secretary to the Admiralty whether the statement he had made as to the mode of getting admission to the Navy through that ship was a correct one? If not, he should ask him to set him right upon the matter. If he had been rightly informed, and the facts were as he had stated, it seemed to him that the position was a most anomalous one to say that the British Navy, upon which they had prided them-

selves for so many years, was an open Service, when, in fact, it was restricted to a few high personages endowed with extraordinary privileges of patronage. He should like also to know, whether the present Ministers would do anything, however little, towards throwing open that Service, to public competition, as ought to be done? That question of public competition was one that had been thoroughly thrashed out, and he was certain no harm would accrue to that branch of the Public Service if it were introduced. He would take that opportunity of asking his hon. Friend whether the facts were as he had stated; and, if so, whether the First Lord of the Board of Admiralty would take into consideration the desirability of introducing competition as the means of entering that distinguished Service?

MR. SHAW LEFEVRE said, that, during the greater part of that discussion, the subject had turned on the question of entering cadets for the Navy. No doubt, it was quite true that the present mode of entering for that Service was by pure nomination, which was vested mainly in the First Lord of the Admiralty, and, to a certain extent, in the other naval Lords and certain of the naval officers. It was now under consideration, whether or not the Service should, to some extent, be open to competition, and he hoped, before long, to be able to announce the decision.

SIR ANDREW LUSK said, he wished to ask a Question of the hon. Gentleman the Secretary to the Admiralty. It was a simple one, and, no doubt, he could answer it at once. On page 25 he saw that a number of almanacks had been sold. In 1875, 18,896 had been sold, and in 1879 the number had fallen to 16,290. He did not like to see that, for those almanacks had always been considered the standard for navigation. He hoped it was no evidence that the Scientific Department was falling off in skill?

MR. T. BRASSEY said, he could answer the Question of the hon. Member. The almanacks were most useful, and were published by the Admiralty in a cheap form for the use of seamen. The reason that the number sold had slightly diminished, was, no doubt, that other almanacks by private persons had managed to obtain a share of patronage.

MR. ARTHUR O'CONNOR said, he was not altogether satisfied with the answer of the hon. Gentleman the Secretary to the Admiralty (Mr. Shaw Lefevre) as regarded the balances in their hands. They evidently had no right to the money, and yet he declined to take it in aid of the Vote, and there was probably but little chance of its being returned to the contributors. Under those circumstances, unless he ascertained from the hon. Gentleman that he was prepared to take it in aid of the Vote, or pay it into the Exchequer, he should be compelled to press his Motion.

MR. SHAW LEFEVRE said, the money would be paid into the Exchequer.

Vote agreed to.

(2). Motion made, and Question proposed,

"That a sum, not exceeding £1,027,689, be granted to Her Majesty, to complete the sum necessary to defray the Expenses of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1881."

MR. ARTHUR O'CONNOR said, the sum was not altogether all that was wanted for the purpose during the year, for it only formed part of £1,363,585, which had been voted under this head, and it was also an increase by £20,000 on the Estimate of the late Government.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

MR. ARTHUR O'CONNOR, resuming, said, the total of the Vote was not the sum which the Chairman had just read, but was £1,363,585, and of this sum £1,202,000 was to be spent at home, and only £138,000 abroad. Of the sum which was to be spent at home, Deptford was to get £808,4; Chatham, £330,000; Sheerness, £137,000; Portsmouth, £391,000; Devonport, £330,000; and Pembroke, £113,000; so that, altogether, this Island of Great Britain was to receive the advantage of an expenditure of upwards of £1,750,000, whereas Ireland only got the paltry sum of £1,458. Ireland contributed to the Imperial Exchequer in the proportion of 1 to 8 or 9, as compared with England; while it received out of this £1,330,000, only one 85th part. The wages voted

under Vote 1, for the pay of Seamen and Marines, was, for the most part, expended in England, and England got the benefit of it, while little or nothing was spent in Ireland. Under Vote 2, for Victuals and Clothing, Lights, Soap, and Tobacco, all these articles were purchased in England, and England got the benefit of the trade. After the money taken for the Admiralty Office which was spent in this country, almost all the Establishments for which money was taken under Vote 5, were either in this country or abroad, and none of them were in Ireland; so that, up to this Vote, almost all the money taken in the Navy Estimates was spent in one portion of the United Kingdom. Ireland, as he had said, only got one 85th part of what was spent in England, and only 100th part of the Vote. If hon. Members turned to page 83 of the Estimates, they would see there that the item of "Contingencies" alone on this Vote was four times as much as the entire sum which it was proposed to spend in Ireland. Of this £1,458—which was a mere fringe of the Vote—which was spent in Ireland, one-third went under the head of "Labour." This was for the pay of the Constabulary, as might be seen by reference to pages 66 and 67 of those Estimates. If hon. Members would turn to those pages they would see the character of the Vote, which was principally a Wages Vote. The total amount given for wages in the Estimate was £1,051,000, which was more than 1,000 times what Ireland got; and out of that sum of upwards of £1,000,000, Ireland barely got £1,000. She did not receive in wages, under this chief Navy Vote, one-thousandth part of what was spent in England. The Government proposed to spend on wages at Gibraltar six times as much as was spent in the whole of Ireland. The Committee would see, also, that by page 67, they proposed to spend in Malta 30 times as much, in Bermuda 25 times as much, and in Jamaica five times as much. In the single harbour of Trincomalee, the Government proposed to spend £4,131, in contradistinction to £1,458 in the whole of Ireland. That country received scarcely one-third of what was demanded for the single port of Esquimaux, in Rangoon; and he had no hesitation in appealing to fair-minded English and Scotch Members—for he would not appeal to his compatriots—if

this was a fair, and just, and honest way of dealing with Ireland? They had to pay their quota to the Imperial Exchequer, and they got back less than 1,000th part of what was spent in wages in England. Why should all the Dockyards be in England? They had in Ireland harbours as convenient and suitable, large land-locked basins admirably adapted by nature for dockyards; they had in Cork Harbour, Dingle Harbour, and Dingle Bay, one of the most natural dockyards to be found in the whole world. North of that they had not only the mouth of the Shannon, but Galway, and 20 other harbours in every part of Ireland. Yet they had not a single Dockyard in the whole of the country. They had a right, on the other hand, to have one there, because it was one of the understood conditions of the Union that a Dockyard should be established. Lord Cornwallis distinctly promised that there should be a Dockyard established in Ireland immediately after the Union; but, from that day to this, Irish Members had been vainly trying to obtain their rights. He was now merely repeating the claim that was made 100 times before, and had never yet been granted. They were told that what the Irish people wanted was employment in order to prevent distress and starvation. Let the Government set the example; they had money. They complained of landlords and sanitary authorities not availing themselves of the facilities offered them, yet here they asked for £1,330,000 to be paid for wages and for labour, and by that means they had an opportunity of spending money in the employment of the people of Ireland. Why did not they do it? How easy it was to get over £1,000,000 for works in England, and how hard it was to obtain even £20,000 or £30,000 on loan even to save the people of Ireland from starving! One Dockyard in his country would be a god-send. One single Dockyard established at Cork or in Dingle Harbour, if money was spent on it as money was spent in England, would go a very long way of itself to removing all distress in the two counties bordering on it. But the Government did nothing. They did not even spend the sums for which they asked in the Vote. If hon. Members would turn to the Appropriation Account of last year, they would find that a sum

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of £4,700 was returned to the Exchequer as not expended in connection with Devonport, Portsmouth, and Sheerness. That sum was returned as not wanted, although it had been voted, and that sum even was three times the amount of all the money the Government now proposed to spend in the whole year in Ireland. He could not think that Ministers were prepared altogether to reject or ignore the claim Ireland had to the establishment of a Dockyard at some port or other along her coast. Therefore, in order to give them the opportunity to make an arrangement for the establishment of such a Dockyard, he would beg to move the postponement of the Vote.

THE CHAIRMAN: The hon. Gentleman will not be in Order in moving the postponement of the Vote.

MR. SHAW LEFEVRE suggested that the discussion would more properly take place upon Vote 11, for works now in progress in Ireland. The hon. Member (Mr. Arthur O'Connor) would recollect that a considerable sum of money had now been taken to complete the Dock which had for some time been in course of erection at Haulbowline. He would, therefore, venture to suggest that this discussion, which he freely admitted was important, should be raised upon Vote 11, and not upon this Vote, because, of course, as this Vote was for Ships and Dockyards, it was quite impossible to take the ships to be repaired where there were no dockyards.

MR. ARTHUR O'CONNOR replied, that the statement of the Government, that they were proceeding with the works at Haulbowline, would sound very much like satire to his constituents in Ireland. They had always heard too much of the Government's intentions to do something or other in their country. As to the Vote, he begged to call attention to the fact that this was a Dockyard Vote, and his objection to the Vote as it stood was that the money asked for was devoted to dockyards exclusively in England. He claimed a Dockyard for Ireland, and he could not conceive how such a claim could be put forward on any other Vote, or be properly heard except on this. But he might also point out to the hon. Gentleman (Mr. Shaw Lefevre), that a certain sum of money was asked for in this Vote, under sub-head E, for this identical Haul-

bowline. The amount was £901, which stood in flagrant contrast to £300,000, £270,000, and £211,000, and so on, asked on account of different places in England. It seemed to him that this was a proper Vote on which to raise his question, and, in order to do so, he would move the reduction of the Vote by £1,000,000.

Motion made, and Question proposed,

"That a sum, not exceeding £27,698, be granted to Her Majesty, to complete the sum necessary to defray the Expenses of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1881."
—(Mr. Arthur O'Connor.)

MR. SHAW LEFEVRE said, that he could not, of course, deny the right of the hon. Gentleman to raise this question on that Vote, because, as he had pointed out, there was a very small sum for wages taken under that head for Haulbowline; but he still thought that the discussion would more properly come under Vote 11, where £26,000 was taken for these works. If the hon. Gentleman thought that the Government was not advancing quickly enough, and that more money ought to be spent there, that would be a very proper occasion to raise the whole question; but he was sure he would admit that, until the Dock was completed, it was impossible for the Admiralty to spend any considerable sum in repairing ships there. The better mode, perhaps, would be to suggest that a larger sum should be expended in hastening on the works. He had already said that it was intended to spend £25,000 during the current year upon it, which was the sum that had been spent for the last four or five years, and, at that rate, the Dock would be completed in three or four years more. He would venture, also, to remark that if this was an Irish grievance, it was still more a Scotch grievance, because there was not a single Government Dock in the whole of Scotland, and it was not proposed to spend any money upon one.

MR. E. J. REED observed, that the Motion which the hon. Gentleman (Mr. Arthur O'Connor) had made was hardly a fair one, because it would debar many English Members who were anxious to help from voting with him, because his proposal was so much beside the question that they would be obliged to vote against him. It was very desirable to give every

English Member an opportunity of supporting the question of Irish Dockyards, if possible; but he would observe that he knew no Motion which would accomplish that object, as, in Supply, it was only possible for an hon Member to move the reduction of a Vote. Therefore, he thought it would be better to move a Resolution on the subject on going into Committee of Supply. He had noticed that the present First Lord of the Admiralty had stated his intention of sending boys to sea in sailing ships. He thought it would be well if some indication could be elicited from the Admiralty as to the kind of vessel to which they were to be intrusted, in order that hon. Members might have an opportunity of making any suggestions upon that subject which might occur to them. He also referred to the case of mechanical writers in the Dockyards, with the object of inducing his hon. Friend below him to call attention to the matter.

DR. LYONS said, he hoped the hon. Member for Queen's County would withdraw his Motion, and defer the consideration of the subject until they reached Vote 11. The Secretary to the Admiralty would then, no doubt, be in a position to inform the Committee as to the position of the works at Haulbowline. Upon Vote 11 there would be a full opportunity of raising the whole question; but no practical issue could follow further opposition to this Vote on the present occasion. The sooner the remaining Votes were passed the sooner, in his opinion, would the subject be considered.

CAPTAIN PRICE said, he wished to ascertain what were the views of the Government with regard to the Dockyard Establishment—whether they were going to increase the number of established men, or whether they intended to depend more upon the system of hiring? That question was most interesting to the country at large, and particularly to the Dockyard men themselves. Various Committees which had sat to consider the subject had recommended that a larger number of established men should be given to the Dockyards; but, unfortunately, all Governments, whether Conservative or Liberal, had "burked" the question. He remembered it had been remarked that no question was ever asked of the witnesses before the Committees as to whether this or that mea-

sure tended to increase the power of the Navy. The subject was always looked at from an economical point of view. It would be in the recollection of the Committee that this question had been dealt with by Admiral Elliot at the time he was a Member of the House of Commons in 1875. The gallant Admiral handled it so well, and used arguments of so unanswerable a character, that the Government was obliged to get rid of him by giving him a good appointment. Since then, although it had been brought forward from time to time, the subject had never been thoroughly or exhaustively dealt with in the House of Commons. For his own part, he could not attempt to deal with it at any length from the fact of there being but few hon. Members disposed to take the matter up. Naval men seemed to be in a minority in that House. Nevertheless, he felt it his duty to say a few words upon the subject of the Dockyard Establishments. As he had stated, it had been recommended over and over again by Committees that they should establish as many men in their Dockyards as possible. The Committee of 1859 made a strong recommendation on that point. They were unanimous in their decision that the men in the Dockyards, and the factories also, should be established, and that at a certain age they should be superannuated. It was true that one Member of the Committee differed as to the exact way in which the system of superannuation should be carried out; but they all agreed that there should be superannuation. That recommendation was made in 1859, and 20 years had elapsed, so far as the factories were concerned, before it was carried out in 1879. This system was established by the late Government, who put a certain number of factory men upon the Superannuation List; and, as a matter of fact, about 1,000 men were so established. But he wished to know whether the Government were going to extend that principle, and gradually establish all the men in the factories; and, more particularly, whether they were going to take into consideration the position of men in the factories who could not now benefit by the establishment? It was all very well to establish men from the present time, and begin counting their times from the date of the order for superannuation by-and-bye; but

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it was no consolation to those men who had been working in the factories for 30 or 40 years, and could not benefit by that principle. The factories, or steam branch, as they were called, were established as an experiment in 1846, when men of good character were taken from the best private factories in the country. The factories set up by these men had proved a very decided success, and he believed they had effected a saving of 25 per cent in the cost of production of some articles, such as machinery, boilers, and propellers. Many of the men, when taken from private trade, were 25 to 30 years of age. They had been serving continuously ever since the setting up of the factories, and were now looking to the time when they would be obliged to give up work. It might be expected that these men would get some kind of pension; but the fact was they only received a gratuity, which he could assure the Committee was very small indeed. For some years they had received no gratuity at all. Lord Clarence Paget, however, took the first step in that direction, and allowed them £1 for every year's service; and some years afterwards the late Administration, who had found that this plan did not act quite fairly, allowed the men a week's payment for every year's service in the factories. So that a man who had been serving continuously and was incapacitated at 60 years of age, received a gratuity of from £40 to £60, or a sum just sufficient to keep body and soul together for a year. It must, of course, be said that the men who came into the factories received a higher rate of pay than those in the Dockyards who were entitled to superannuation at the age of 60. And it might be urged that out of their higher rate of pay they could save sufficient to buy an annuity commencing on their reaching the age of 60. But it must be remembered that they had no guarantee that their services would be continuous, and that, after having put out money for the purchase of an annuity, by a reduction taking place in the establishment they might, as it were, find themselves on their beam ends. For these reasons, he asked the Secretary to the Admiralty to consider the subject. He believed there were at the Admiralty, or had been until lately, officers who were of opinion that the small gratuity which was given to the men

who had worked so many years in the steam branch factories ought to be very much increased, and that, instead of their getting one week's pay for each year's service, they should receive a month's pay. Then, as regarded the Dockyards proper, of course, every man who entered the Dockyards wanted to be put on the Establishment, and wanted to know that he would, by-and-bye, be entitled to superannuation. But he could not get on the List. It was not any fault of his. He might go on serving and serving and not get what he wanted, for the reason that the number of established men was limited. A gang of men might enter the Dockyard to-day, one-third of whom might be put on the Established List at once, because there happened to be vacancies to that extent. One-third of them could not get on this Established List for five years because there were no vacancies, while the remaining third could not be placed on the List for 10 years for the same reason. What was the consequence of this? The third batch, who had to wait 10 years, only began to count their time from the end of that period; they had only a small number of years to count when they arrived at the age of 60, and their superannuation was much less than those who had been put at once on the Established List. He held that every man ought to pass through a probationary course before being entitled to be established; that after, say, five years, he should be put upon the Established List as a matter of right, and that he should commence to count his time not from that date, but that his back time should be given him. A deduction should be made, perhaps, for the amount of extra pay which he had received by reason of his being a hired man during those five years, instead of an established man. This could be done either by reducing his pension for one or two years, when he became entitled to it, or by reducing its equivalent in time—that was to say, that, instead of his counting the whole five years, he should count one year short of that, or whatever the proportion might be equivalent to the extra pay he had been receiving. He assured his hon. Friend who sat upon the opposite Bench as the Representative of the Admiralty that the question was one of the greatest interest at the Dockyards, and

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 of the people of this country.

of war, and that, therefore, they were bound to have such a preponderance of fast cruising ships as would, at all events, insure their command of the sea. Well, the hon. Gentleman, with the frankness which always characterized him, had admitted that there was full reason for the complaint of the want of cruising ships; and he (Mr. Bentinck) was prepared to hear that admission followed by the announcement that the Government were about to devote their energies to the construction of a number of vessels of that kind. But, to his great disappointment and regret, the hon. Gentleman wound up by saying he hoped that they should, from time to time, add to their number. [Mr. SHAW LEEFVRE: I said we were proposing to commence three cruisers.] He (Mr. Bentinck), thought the hon. Gentleman advanced an argument against himself. Of what use were three cruising ships in maintaining the ascendancy of Great Britain on the high seas? Forty or fifty ships of that class would be wanted to place the country both in a position to maintain her naval supremacy, and in a position which she must occupy, unless the people were to be reduced to a state of starvation in case of war. It was incredible to him that the hon. Gentleman, unless he had misunderstood him, should, from his place in Parliament, begin by telling the Committee that he admitted the deficiency in the number of their cruising ships; then, that he should go on to say that he hoped, from time to time, to add to their number; and, finally, that he was about to take measures for the construction of three such ships. He had urged these points on every successive Government for many years past; but that did not deter him from again adverting to questions which he considered to be of vital importance to the very existence of the country. The answer of the hon. Gentleman had filled him with astonishment; and the statement that the Admiralty were only about to construct three cruisers, he thought, fully bore out his assertion, made more than once, and to succeeding Governments, and to the House of Commons, that the people of this country were painfully and blindly indifferent to a question which related to their very existence as a nation. The fact was, Government after Government had dealt with this question, not with reference to their know-

ledge of the subject, or with reference to their convictions—they had dealt with it as a matter of political convenience. No Government, for years past, had had the courage to come down to the House and say that the cost of everything connected with the Navy had increased ten-fold in the last 20 years; consequently, that the cost of the Navy must be very largely increased. Unless the country was prepared to incur the necessary expense, its position, as a great nation, was one of the utmost peril.

MR. RYLANDS said, that the speech which the hon. Gentleman opposite had delivered to the Committee was one with which those hon. Members who had been in former Parliaments were perfectly familiar. He would do the hon. Gentleman the credit to say that he had upheld his testimony without reference to political considerations, and had complained alike whether his own Party or his political opponents were in power. The hon. Gentleman said that more money ought to be expended on the Navy, if they wished to avoid the destruction of England as a Naval Power. But he (Mr. Rylands) could not help remembering that they were paying a large sum—he thought a very exorbitant sum—for Navy Estimates. He very much questioned whether the country would be satisfied if they were told that, although they were spending £10,500,000 a-year—the late Government spent from £11,000,000 to £12,000,000—on the Navy, their naval supremacy was gradually declining. He had no such apprehensions. He believed, if the occasion should arise when they would have to protect the commerce of this country by cruisers, they had in their Mercantile Marine an enormous store of power which could be utilized in a very short period, and in such a way as to protect the commerce of Britain and maintain the naval supremacy of the country. He believed, however, that the enormous expenditure on account of the Navy might be cut down; for he did not believe that so large an expenditure was necessary to maintain the naval supremacy of this country. He did not wish it to be supposed that in any arguments he had used he was desirous of cutting down the naval power of the country; but he did think it was necessary to cut down that wasteful expenditure of the people's money which was going

ship-building, had been carried out. He had also pointed out that for the last three or four years in succession those promises had not been carried out. He could only say that it had been usual for Ministers, when laying the Estimates before the House, to state what work had been accomplished during the previous year; but he hoped next year to be able to lay upon the Table of that House a Return giving fuller details of that matter. When the arrangements were completed, and that Return was before them, they would be able to see how much of the money expended had been devoted to ship-building or ship-preparing. He thought he had now answered all the Questions which had been asked, and he hoped that the Vote would then be agreed to.

MR. W. H. SMITH said, he wished to ask the hon. Gentleman the Secretary to the Admiralty a question which, perhaps, he was in a position to answer. A Committee was appointed by the late Board of Admiralty, in conjunction with the then Secretary of State for War, in reference to the guns to be placed in those ships. He had himself considered that some arrangement might be come to by which some sort of composition might be introduced, so that the Naval Service should not rely entirely on the Woolwich Gun Factory. He did not know whether the hon. Gentleman was in a position to give to the Committee any information on the subject. He was sure that he would agree with him that that was the right course to take as regarded the matter of guns for large ships.

MR. BENTINCK said, that his hon. Friend the Member for Burnley (Mr. Rylands) had taken exception to what he had stated with reference to additional expenditure; but he was bound to say that he considered that the greatest economy would be practised by adding largely to the strength of the Navy. He must remind his hon. Friend, with all respect to him, that he seemed to have lost sight in his argument of one important fact. He admitted the necessity of having an efficient Navy, and yet when he talked of economy he seemed to forget the increased cost of everything connected with the Navy. If they were to have an efficient Navy, he would remind him that it must be at a cost much in excess of that of former years. That

was a point that the hon. Gentleman seemed to have forgotten; and he wished to impress upon him the necessity of considering it when talking of the efficiency of the Navy. He should like to say one word with regard to what fell from the hon. Gentleman the Secretary to the Admiralty with reference to such enormous iron-clads as the *Inflexible*. There could be no doubt, and, in fact, it was well known, that ships such as that were regarded as being of a very doubtful character; and it was for consideration whether they contributed to the real available strength of the Navy of this country. He also said that they relied upon a number of Coast Guard ships of bygone days as line-of-battle ships. He (Mr. Bentinck) considered that such vessels were practically useless; and he thought it was hardly right to treat these in the number of cruisers when there was no intention of increasing that class of vessel by new ones. He could not, therefore, agree with his hon. Friend in that matter. Some hon. Member had alluded to the question of the conversion of merchant-men into naval vessels. For his part, he had great doubts whether they would turn out to be useful or not. There were many objections to them, not the least of which was that it was a work of time before those ships could be converted into efficient cruising vessels. He believed that in the event of an outbreak of war such vessels would come too late; everything would have to be done, and nothing would be ready; and this country would find itself in a position of extreme difficulty, not to say jeopardy. The whole subject, in fact, required very serious attention. The hon. Gentleman the Secretary to the Admiralty said that all those things would have to be attended to with due regard to economy; and that was where he differed from him. He fully agreed, however, with his hon. Friend the Member for Burnley (Mr. Rylands) as to the necessity of economizing, as much as possible, in the Navy; but he denied that allowing the Navy of this country to remain in a state of inefficiency was entitled to be classed under the head of economy. He contended that economy must give way, if a too rigid adherence to it would be likely to entail national disaster.

MR. SHAW LEFEVRE said, he was unable to answer fully the question of the

Mr. Shaw Lefevre

Government which had only recently come into Office; and he had the greatest confidence that the hon. Gentleman the Secretary to the Admiralty would bring great ability to bear upon this subject. He hoped with regard to the Dockyards that they might find, on a subsequent occasion, that a better system had been adopted; and that while, on the one hand, considerable economy could be secured, on the other, greater results might be obtained by less expenditure.

MR. GORST said, that he hoped Her Majesty's Government would not overlook this important question. He could assure the hon. Gentleman the Member for Burnley (Mr. Rylands), that the question raised by the hon. and gallant Member for Devonport (Captain Price) was not only one of very great importance, but his observations upon it did not deserve to be received with the sneers they had met with. Hon. Members who were disposed to interrupt his hon. and gallant Friend, did not usually take any part in these debates. They only came in for the purpose of making a disturbance. The hon. Member for Burnley had hardly done justice to Gentlemen who represented Dockyard constituencies, when he stated that they could not approach this subject with any but a biased view. He should have thought that even the interests of a large body of workmen were deserving of some attention on the part of Gentlemen who, as Liberals, professed a special interest in the interests of the working classes; but he desired to discuss this question, not in the interest of the people employed, but in the interest of the country at large. He did not think that hon. Members who interrupted properly understood the state of things in their Dockyards at the present time. They employed a great number of workmen; and it was for the interest of the country that they should employ the best workmen who could be obtained at the ordinary rates of labour. To employ second-rate shipwrights, smiths, and fitters was no wise economy; but they ought to have the pick of shipwrights, smiths, and artificers throughout the country. How were arrangements made in order to produce that effect? The principle of the dockyard was that men were put upon the establishment. They were engaged at something less than ordinary

wages of labour in their own trade; but they were insured a regular and constant employment, and they received what the hon. Member for Burnley called pension, but which was really deferred pay, for the purpose of making them steady and industrious in their work, and inducing them to remain in the Dockyard. In the first place, by that system, they obtained the pick of men in the country, and they were sure of their services at any time, whether great activity prevailed in the ship-building trade or not. But for such an arrangement, at a period of great activity in the ship-building trade they might have a difficulty in getting men; and it was necessary for the safety of the country to have a number of men upon whom they could rely in times of emergency. In practice, about half of the number of men employed in the Dockyards were not on the establishment. They were hired by the State like any ordinary employer of labour, and that system produced this bad result. They could not get such good hired men as those who worked on the establishment; and, on the other hand, if the rate of wages rose—if a war broke out, or if there were great activity in the ship-building trade—they would find that they would have to increase the wages of the hired artificers. So that, by having to pay extra wages in times of dearth, they would far more than swallow up the extra cost of the men on the establishment in time of peace. Men not on the establishment always felt themselves in a position of inferiority to those on the establishment. The hired shipwrights worked side by side with the establishment men. It was true that they got slightly higher wages; but they had not the same security of permanent employment, particularly when a Liberal Government was in Office, and they were always in fear of losing their employment by retrenchment. Those men felt uncertainty in their work, which made them dissatisfied with their position. Hon. Members below the Gangway on the other side sneered at these arguments; but those artificers had themselves and their families to support, and were as anxious for security for their small incomes as hon. Members were for the security of their large incomes. The hon. and gallant Member for Devonport had not been ashamed to stand up and state that

under Vote 11 until then. He should not have attempted to raise that point at all, had it not been that he thought that the question of the prosecution of the Haulbowline works ought to be considered under that head. He took it that the English Dockyards were considered under the present Vote.

MR. W. H. SMITH said, he rose to correct a misunderstanding of the hon. and learned Gentleman who had just sat down. The present Vote was not the one under which the question he had raised could be considered. The wages of the men employed in the Dockyard were provided in Vote 6; but the cost of the works proposed to be carried out was provided for under Vote 11. Therefore, when that Vote came on it would be the right time to discuss the matter referred to by the hon. Member.

MR. A. M. SULLIVAN said, he begged to thank the right hon. Gentleman for his suggestion, and he should raise the question under Vote 11.

MR. BIGGAR said, that, after the statement of the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) and the explanation of the Secretary to the Admiralty (Mr. Shaw Lefevre), it seemed undesirable at the present moment to raise the question of the Vote for Haulbowline. But, considering the fact that no wages could be charged for shipbuilders until the works there were completed, it appeared to him that the question did enter within the limits of the present discussion. He thought that to move to reduce the Vote was not, however, the way to obtain the object they had in view. The proper way seemed to be to raise a discussion on the subject, and to press it upon the attention of the Committee. To move to reduce the Vote was not, by any means, a direct way of proceeding. Nothing like the sum that ought to be spent had been spent on those works; and he thought, therefore, that his hon. and learned Friend the Member for Meath (Mr. Sullivan) was fully justified in raising a discussion of the question. Certainly, an alteration ought to be made in the present system of voting money for those works, and it was most desirable that they should be finished as soon as possible.

Motion, by leave, *withdrawn*.

Original Question again proposed.

Mr. A. M. Sullivan

MR. JENKINS said, that he found, under the head of "Foreign Dockyards and Allowances for Naval Arsenal," Vote 10, a sum of £43,600, and a further sum of £166,500, for expenses in foreign Yards. He wished to obtain some information on that head. The money expended in home Yards was explained; but no information was given as to the expenditure for foreign Yards. A large sum of money seemed to be spent in re-fitting and repairing ships in commission; and it was, he thought, most desirable as regarded that expenditure. He thought that the sum spent was much more than absolutely necessary—for instance, the sum spent at Hong Kong was very large, and they should have some details as to what ships were repaired at that station, and the cost of such repairs. He hoped that the Board of Admiralty would take that matter into their consideration, and would furnish the House with all the information they could upon the subject.

MR. SHAW LEFEVRE said, that the Return they proposed in another year to lay before the House would give all the information desired upon that subject.

SIR ANDREW LUSK said, they had drifted away for some time from the question before the Committee. They had gone into a discussion as regarded wages of artizans and other classes of men, and had heard hon. Gentlemen talking about the "wages of my constituents." He did not find fault with Gentlemen from England or Ireland trying to gain advantages for their constituents, or wanting a share of the money spent in the localities represented; but he begged to remind them that they had met there for the good of the country, and not for the benefit of any particular constituency. He should like to say a few words upon that Vote. They spent an enormous sum in wages; but he thought they saw little for it. Some hon. Member—he had forgotten who it was—said that there had been more expenditure than last year, and less to show for it. He could not understand how that was so. He thought that those works in Her Majesty's Yards compared very unfavourably with those of the Mercantile Marine. In the latter, they could always get a large ship built in six or eight months; whereas, in the Dockyards, they took four or five years,

Government which had only recently come into Office; and he had the greatest confidence that the hon. Gentleman the Secretary to the Admiralty would bring great ability to bear upon this subject. He hoped with regard to the Dockyards that they might find, on a subsequent occasion, that a better system had been adopted; and that while, on the one hand, considerable economy could be secured, on the other, greater results might be obtained by less expenditure.

MR. GORST said, that he hoped Her Majesty's Government would not overlook this important question. He could assure the hon. Gentleman the Member for Burnley (Mr. Rylands), that the question raised by the hon. and gallant Member for Devonport (Captain Price) was not only one of very great importance, but his observations upon it did not deserve to be received with the sneers they had met with. Hon. Members who were disposed to interrupt his hon. and gallant Friend, did not usually take any part in these debates. They only came in for the purpose of making a disturbance. The hon. Member for Burnley had hardly done justice to Gentlemen who represented Dockyard constituencies, when he stated that they could not approach this subject with any but a biased view. He should have thought that even the interests of a large body of workmen were deserving of some attention on the part of Gentlemen who, as Liberals, professed a special interest in the interests of the working classes; but he desired to discuss this question, not in the interest of the people employed, but in the interest of the country at large. He did not think that hon. Members who interrupted properly understood the state of things in their Dockyards at the present time. They employed a great number of workmen; and it was for the interest of the country that they should employ the best workmen who could be obtained at the ordinary rates of labour. To employ second-rate shipwrights, smiths, and fitters was no wise economy; but they ought to have the pick of shipwrights, smiths, and artificers throughout the country. How were arrangements made in order to produce that effect? The principle of the dockyard was that men were put upon the establishment. They were engaged at something less than ordinary

wages of labour in their own trade; but they were insured a regular and constant employment, and they received what the hon. Member for Burnley called pension, but which was really deferred pay, for the purpose of making them steady and industrious in their work, and inducing them to remain in the Dockyard. In the first place, by that system, they obtained the pick of men in the country, and they were sure of their services at any time, whether great activity prevailed in the ship-building trade or not. But for such an arrangement, at a period of great activity in the ship-building trade they might have a difficulty in getting men; and it was necessary for the safety of the country to have a number of men upon whom they could rely in times of emergency. In practice, about half of the number of men employed in the Dockyards were not on the establishment. They were hired by the State like any ordinary employer of labour, and that system produced this bad result. They could not get such good hired men as those who worked on the establishment; and, on the other hand, if the rate of wages rose—if a war broke out, or if there were great activity in the ship-building trade—they would find that they would have to increase the wages of the hired artificers. So that, by having to pay extra wages in times of dearth, they would far more than swallow up the extra cost of the men on the establishment in time of peace. Men not on the establishment always felt themselves in a position of inferiority to those on the establishment. The hired shipwrights worked side by side with the establishment men. It was true that they got slightly higher wages; but they had not the same security of permanent employment, particularly when a Liberal Government was in Office, and they were always in fear of losing their employment by retrenchment. Those men felt uncertainty in their work, which made them dissatisfied with their position. Hon. Members below the Gangway on the other side sneered at these arguments; but those artificers had themselves and their families to support, and were as anxious for security for their small incomes as hon. Members were for the security of their large incomes. The hon. and gallant Member for Devonport had not been ashamed to stand up and state that

Return had never been furnished. Under the circumstances, he could not but believe that all those statements which had been made with reference to the island were purely imaginative, and that there was no Victualling Yard there at all.

MR. SHAW LEFEVRE said, that victualling was provided at the Island of Ascension at a small cost. There was also a Dockyard and a Hospital there.

MR. W. H. SMITH said, this question had been raised and answered during the time he had presided at the Admiralty. He had found the Establishments in the Island to be of great value to the West Coast Service.

MR. GORST said, he wished to know the total cost of the Establishments at the Island?

MR. T. BRASSEY said, that the cost was £2,400.

Vote agreed to.

(4.) £47,584, to complete the sum for Medical Establishments at Home and Abroad.

MR. ARTHUR O'CONNOR said, if hon. Members would turn to pages 100 and 101 they would see a reproduction of this Vote, and would find that Ireland only got the sum of £1,000 odd. Again, they would observe that not a single penny of the Marine Infirmary Vote was spent in Ireland. He entered his protest against the unjust distribution of these Votes.

MR. GORST said that the island having been alluded to as a ship now reappeared as a Hospital. He pressed upon the Government to say what the island actually cost, because he could not regard the answer given by the Secretary to the Admiralty as satisfactory. The amount which appeared on page 106 was only the extra pay of the garrison performing the duties of the island, to which had to be added the pay of the seamen and marines. The hon. Gentleman would remember that he had not mentioned the Kroomen. It appeared that the naval officers were assisted by a number of these savages in the performance of their duties in the island.

MR. T. BRASSEY said, the Kroomen were 34 in number, and their pay varied from 6d. a-day upwards.

Mr. Gorst

SIR H. DRUMMOND WOLFF said, the statements of accounts seemed to be very much confused. They had already, under Vote 5, passed a lump sum for the expense of the *Britannia* at Dartmouth. On page 90 he found a charge for a hospital for cadets, and that certain salaries were voted twice. In order to obtain an explanation of that, they were referred to page 160 in the Appendix, which really gave no information at all. The Vote for the *Britannia* was supposed to include all the expenses connected with that ship; but they had now to vote, for the second time, the salaries of the surgeons and sick porters on shore. He asked why the whole of the cost was not included in the Estimate for the *Britannia* on page 32? It had already been found that certain sums disappeared in some way or other; but they were now asked to vote the same sums twice over.

MR. SHAW LEFEVRE said, he thought the hon. Gentleman was mistaken. Although last year the sum of £934 was charged under Vote 5, it was this year charged under Vote 9.

SIR H. DRUMMOND WOLFF said, under the present Vote—that which had been just put from the Chair—there was a charge for Dartmouth Hospital for cadets.

MR. SHAW LEFEVRE said, the hon. Member would see that there were in the Estimates two columns, one showing the Votes for last year and the other for the present year, and that no part of this year's Vote was to be spent on the Establishment at Ascension.

MR. GORST said, the Committee had been informed a short time ago that the total cost of the Establishment at Ascension was £2,400. He now found that it was raised by other items to the sum of £4,000. Besides this, there must be added the full pay of the officers, seamen, and marines, of unknown number on board the *Flora*. It was perfectly true there were some receipts; but the Committee were not told what those receipts amounted to.

THE CHAIRMAN: If the hon. and learned Gentleman will look he will see that the money has been taken under Vote 1, and that there is no money under this Vote taken for the Island of Ascension.

Vote agreed to.

vessels that could be available, he had ascertained there was a considerable number—he believed 30 or 40, perhaps more—and all of them were capable of steaming 14 to 15 knots an hour. By a very little alteration they could be turned into war vessels, and would add greatly to the cruising strength of the Navy. All these matters had to be taken into consideration when estimating the real strength of the Navy. The Mercantile Service must be considered as adding substantial strength to the Navy, on which to rely in time of war; and he was satisfied that no other Power had anything like the same number of vessels and her Mercantile Marine to fall back upon. In addition to those vessels, there were also several iron-clads, which had become obsolete as first-class ironclads, and which, by a certain expenditure, could be converted into cruisers. In the case of some of them, at all events, it was contemplated to turn them into cruisers by putting compound engines into them, and so increasing their speed. By that means, they would gain a considerable increase to the cruising strength of the Navy. He thought it would not be a wise policy to build at once 30 or 40 vessels of that kind. The better course would be to add to their number gradually. He could not, therefore, agree with his hon. Friend the Member for West Norfolk (Mr. Bentinck) in that respect. His hon. Friend went on to ask what was the intention of the Government with regard to the training of seamen for the Navy, and he quoted from the speech of the Civil Lord (Mr. Brassey), which was made recently, with reference to sending out seamen in sailing vessels. All that his hon. Friend (Mr. Brassey) had stated was that he considered it necessary for the Admiralty to send young seamen to sea; but he did not say what class of vessels they should be sent out in. The hon. and gallant Member for Devonport (Captain Price), and his hon. and learned Friend the Member for Chatham (Mr. Gorst), had raised the question as to the number of established men in the naval factories. His attention had not been called to that subject during the time he had been in Office; and it was the wish of the Board of Admiralty to postpone the consideration of such questions until the Board of Admiralty visited the

Dockyards in the autumn. They would then hear all that could be said on the subject by the various classes of workmen, and decide what was to be done. Such a question, he ventured to think, was scarcely a proper one to be discussed on the floor of that House. When he was at the Admiralty before, he had always advocated treating such questions by direct communication between the Board of Admiralty and the men; and he deprecated, as far as possible, making that question the subject of political discussion in that House. He did not believe that, in the long run, any class of workmen would be the gainers by making such a matter a political question; and he thought hon. Members ought to be satisfied to leave the authorities to deal with it. All such questions, he begged to assure the Committee, would be fairly considered when the Dockyards were visited by the Board of Admiralty. With reference to the general question of establishment, hon. Members would, no doubt, admit that it was one of great difficulty. Dockyard men were, till lately, divided into two classes—dockyardmen proper, and those who were employed in the factories. The first-named were entitled to superannuation, but not the latter. But in the year 1879 a change was made. The system of superannuation was introduced into the factories, to a limited extent. For his own part, he had been opposed to this change; but, inasmuch as it had been introduced, it could not be again withdrawn, and, therefore, the only question was to what extent it should be carried. Of course, the Committee must see that if they gave a man a pension they must proportionately reduce his wages. He believed that the hon. Baronet opposite (Sir Massey Lopes) carried out that arrangement, and whenever a pension was granted a proportionate reduction in wages had been made. He did not think it wise to introduce that principle in the factories; but, as it had been introduced, the question to what extent it should be carried out would be the subject of the most careful consideration of the present Board of Admiralty. The hon. Member for Burnley (Mr. Rylands) had pointed out how important it was that the House should be informed every year, on the Estimates, whether the work promised in the previous Estimates, as regarded

he thought it was one which could be legitimately and fairly brought forward. The inequality of the present system could be easily seen in the case of two men who did the same work and were of equally good character, one of whom might at once be placed on the Established List, while the other would have, perhaps, to begin counting his time only after the expiration of 10 years' service. He believed the Admiralty would see the justice of considering this question with a view to placing it on a fair and satisfactory basis.

MR. BENTINCK said, he believed this was the Vote upon which it was customary to go into the whole question as to the condition of the British Navy. He desired to make one or two remarks upon that subject, in consequence of what had fallen from the hon. Gentleman the Secretary to the Admiralty when it was last under discussion. Those who were present, he thought, would bear him out, and those who had read the remarks of the hon. Gentleman would, no doubt, go with him when he said that the statement referred to was of a very remarkable character. When they were last discussing this question, he had complained of the extreme indifference shown by the House of Commons to everything connected with the condition and welfare of the Navy of this country. In answer to that complaint, the hon. Gentleman argued that there was no indifference on the part of the House of Commons either to the welfare or condition of the Navy; but he said that the reason why there was such an apparent indifference to the question was that no Party spirit was imported into the discussion. He quite agreed with the hon. Gentleman on that point, and wished that fact would account for the very small number of Members who took an interest or part in these discussions. He believed the hon. Gentleman would do him the justice of acquitting him of introducing into the consideration of the question any Party feeling, for he had always endeavoured to point out what, in his opinion, had been the defects or errors in the conduct of the Board of Admiralty of the day without reference, in any way, to Party. The right hon. Gentleman the late First Lord would, he thought, also do him the justice to say that, with all the respect and good-

will which he had towards him, he had criticized his measures as frankly as the measures on the other side of the House. But the Secretary to the Admiralty had gone on to say that another reason why the House treated this great question with so much apparent indifference was that they did not share the alarms which he (Mr. Bentinck) entertained, and which he still confessed to entertain, as to the present condition of the British Navy. Moreover, he was bound to add that, after the statement which fell from the hon. Gentleman (Mr. Shaw Lefevre), he saw still further reason for alarm. The two points which he had endeavoured to bring before the House, and to which he had called the attention of the hon. Gentleman, were, in the first place, the want of a sufficient reserve of heavy ships of line-of-battle, of the class now known as iron-clads. He complained that no reserve of such ships existed to supply the inevitable casualties which must occur in a great naval action with ships of so fragile a character as iron-clads. The substance of the hon. Gentleman's reply was, in the first place, that he had an ample reserve of iron-clads; and he went on to say that the Coast Guard formed the Admiralty Reserve for that portion of the Navy. But he would like to hear a statement of facts which would tend to prove that he had a sufficient reserve of fighting ships in their Navy in the event of the inevitable casualties which must occur in a great naval action. He should be much gratified to hear how the hon. Gentleman made out that the ships now classed as amongst their Naval Reserve were ships qualified to take the place of their heavy iron-clads in action. Upon that point he would be very glad to have a clear explanation from the Secretary to the Admiralty. The second point to which he had referred was the total absence of cruising ships for the purpose of harassing the commerce of the enemy, of defending their own commerce in the event of war, and of maintaining complete control of the sea. And when he adverted to those points, he had called the attention of the hon. Gentleman to the fact that the question was one which not only related to the harassing of the enemies' commerce; but, under the present condition of things, was of the greatest importance with regard to the supply of food to the people of this country in case

of war, and that, therefore, they were bound to have such a preponderance of fast cruising ships as would, at all events, insure their command of the sea. Well, the hon. Gentleman, with the frankness which always characterized him, had admitted that there was full reason for the complaint of the want of cruising ships; and he (Mr. Bentinck) was prepared to hear that admission followed by the announcement that the Government were about to devote their energies to the construction of a number of vessels of that kind. But, to his great disappointment and regret, the hon. Gentleman wound up by saying he hoped that they should, from time to time, add to their number. [Mr. SHAW LEFEVRE: I said we were proposing to commence three cruisers.] He (Mr. Bentinck), thought the hon. Gentleman advanced an argument against himself. Of what use were three cruising ships in maintaining the ascendancy of Great Britain on the high seas? Forty or fifty ships of that class would be wanted to place the country both in a position to maintain her naval supremacy, and in a position which she must occupy, unless the people were to be reduced to a state of starvation in case of war. It was incredible to him that the hon. Gentleman, unless he had misunderstood him, should, from his place in Parliament, begin by telling the Committee that he admitted the deficiency in the number of their cruising ships; then, that he should go on to say that he hoped, from time to time, to add to their number; and, finally, that he was about to take measures for the construction of three such ships. He had urged these points on every successive Government for many years past; but that did not deter him from again adverting to questions which he considered to be of vital importance to the very existence of the country. The answer of the hon. Gentleman had filled him with astonishment; and the statement that the Admiralty were only about to construct three cruisers, he thought, fully bore out his assertion, made more than once, and to succeeding Governments, and to the House of Commons, that the people of this country were painfully and blindly indifferent to a question which related to their very existence as a nation. The fact was, Government after Government had dealt with this question, not with reference to their know-

ledge of the subject, or with reference to their convictions—they had dealt with it as a matter of political convenience. No Government, for years past, had had the courage to come down to the House and say that the cost of everything connected with the Navy had increased ten-fold in the last 20 years; consequently, that the cost of the Navy must be very largely increased. Unless the country was prepared to incur the necessary expense, its position, as a great nation, was one of the utmost peril.

MR. RYLANDS said, that the speech which the hon. Gentleman opposite had delivered to the Committee was one with which those hon. Members who had been in former Parliaments were perfectly familiar. He would do the hon. Gentleman the credit to say that he had upheld his testimony without reference to political considerations, and had complained alike whether his own Party or his political opponents were in power. The hon. Gentleman said that more money ought to be expended on the Navy, if they wished to avoid the destruction of England as a Naval Power. But he (Mr. Rylands) could not help remembering that they were paying a large sum—he thought a very exorbitant sum—for Navy Estimates. He very much questioned whether the country would be satisfied if they were told that, although they were spending £10,500,000 a-year—the late Government spent from £11,000,000 to £12,000,000—on the Navy, their naval supremacy was gradually declining. He had no such apprehensions. He believed, if the occasion should arise when they would have to protect the commerce of this country by cruisers, they had in their Mercantile Marine an enormous store of power which could be utilized in a very short period, and in such a way as to protect the commerce of Britain and maintain the naval supremacy of the country. He believed, however, that the enormous expenditure on account of the Navy might be cut down; for he did not believe that so large an expenditure was necessary to maintain the naval supremacy of this country. He did not wish it to be supposed that in any arguments he had used he was desirous of cutting down the naval power of the country; but he did think it was necessary to cut down that wasteful expenditure of the people's money which was going

on. The hon. and gallant Member for Devonport (Captain Price) had pressed upon the Committee the necessity of dipping their hands into the public purse in order to give employment to his constituents. He entirely disputed the contention of the hon. and gallant Member. He said that the policy which had been pursued with regard to the Dockyards had been found to be unsatisfactory, and had, in fact, induced the Government to engage in work which it would not have engaged in but from the necessity of finding employment for these establishment men. The hon. and gallant Gentleman could hardly be expected to look at this matter from a perfectly impartial point of view, representing, as he did, a Dockyard constituency; but if he would carefully investigate the amount paid by the country for pensions to these establishment men, he would find that this addition to the wages of these men was a matter for very serious consideration. He had very grave doubt whether the establishment principle was a wise one; but he certainly was of opinion that it was highly undesirable to extend it. They should keep establishments within narrow limits, for if they had a large number of men in the Dockyards they could not keep them in steady employment. He should like to call the attention of the hon. Gentleman the Secretary to the Admiralty to a matter which he hoped might be attended to in present and subsequent years. He held in his hand an amended programme of ship-building, to be executed during the years 1880-81, and he found in that programme that the total number of men to be employed was 15,772. He had also a statement of the total amount of work which was intended to be completed in the course of that year, which it appeared was 12,353 tons. He wished to ask the hon. Gentleman whether, at the end of the year, he could not lay upon the Table of the House a Return showing the tonnage of the ships which had been completed during the preceding 12 months, and also state the number of men who had been employed in completing that tonnage? He would tell the Committee why such a Return would be desirable. In 1877-8 the estimate of the right hon. Gentleman the late First Lord of the Admiralty was that there would be added to the Navy in that year 14,240

tons, and he asked the House for the wages of a certain number of men upon that footing. During the year the actual number of tons added to the Navy was 12,052, or a deduction of 15 per cent upon the estimate. At the same time, the wages paid to artificers stood at as high a sum as if the full amount of tonnage had been completed. He could not but regard that as a very unsatisfactory result. He thought that was a matter which required some explanation. He wished that there should be laid upon the Table of the House, as soon as possible after the close of the financial year, a statement enabling the House to test the Estimates of the Government, and to see whether the proposals of the Government had been carried out, and how far the amount of work completed and the number of men employed corresponded with the Estimates. He was reminded that there was laid upon the House annually a Return of the ship-building of the country. And from that Return, any hon. Member employing an accountant or private secretary might be able to inform himself with regard to the exact state of the case; but not being able to employ either an accountant or private secretary to make these investigations for him, he found it extremely difficult to obtain a satisfactory knowledge of the result of those Returns. However, he was of opinion that the Ship-building Accounts were presented at such a late period that they practically ceased to be of any use. The Return for 1877-8—that was to say, for the year's transactions ending March 31, 1878—was not placed in the hands of hon. Members until the beginning of the present year, or not till 18 months or two years after the period to which it referred, and when its examination was of no use. He had no doubt those Returns took a considerable time to arrange; but he could tell the hon. Gentleman—and he need scarcely inform the right hon. Gentleman the late First Lord of the Admiralty—that any private concern which did not balance up its affairs until two years after they had taken place would soon go into the Bankruptcy Court, or, at all events, would not be able to keep that grasp of its transactions which was necessary to insure economy. He hoped that the Government would look into this matter. He did not wish to press hardly upon a

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Government which had only recently come into Office; and he had the greatest confidence that the hon. Gentleman the Secretary to the Admiralty would bring great ability to bear upon this subject. He hoped with regard to the Dockyards that they might find, on a subsequent occasion, that a better system had been adopted; and that while, on the one hand, considerable economy could be secured, on the other, greater results might be obtained by less expenditure.

Mr. GORST said, that he hoped Her Majesty's Government would not overlook this important question. He could assure the hon. Gentleman the Member for Burnley (Mr. Rylands), that the question raised by the hon. and gallant Member for Devonport (Captain Price) was not only one of very great importance, but his observations upon it did not deserve to be received with the sneers they had met with. Hon. Members who were disposed to interrupt his hon. and gallant Friend, did not usually take any part in these debates. They only came in for the purpose of making a disturbance. The hon. Member for Burnley had hardly done justice to Gentlemen who represented Dockyard constituencies, when he stated that they could not approach this subject with any but a biased view. He should have thought that even the interests of a large body of workmen were deserving of some attention on the part of Gentlemen who, as Liberals, professed a special interest in the interests of the working classes; but he desired to discuss this question, not in the interest of the people employed, but in the interest of the country at large. He did not think that hon. Members who interrupted properly understood the state of things in their Dockyards at the present time. They employed a great number of workmen; and it was for the interest of the country that they should employ the best workmen who could be obtained at the ordinary rates of labour. To employ second-rate shipwrights, smiths, and fitters was no wise economy; but they ought to have the pick of shipwrights, smiths, and artificers throughout the country. How were arrangements made in order to produce that effect? The principle of the dockyard was that men were put upon the establishment. They were engaged at something less than ordinary

wages of labour in their own trade; but they were insured a regular and constant employment, and they received what the hon. Member for Burnley called pension, but which was really deferred pay, for the purpose of making them steady and industrious in their work, and inducing them to remain in the Dockyard. In the first place, by that system, they obtained the pick of men in the country, and they were sure of their services at any time, whether great activity prevailed in the ship-building trade or not. But for such an arrangement, at a period of great activity in the ship-building trade they might have a difficulty in getting men; and it was necessary for the safety of the country to have a number of men upon whom they could rely in times of emergency. In practice, about half of the number of men employed in the Dockyards were not on the establishment. They were hired by the State like any ordinary employer of labour, and that system produced this bad result. They could not get such good hired men as those who worked on the establishment; and, on the other hand, if the rate of wages rose—if a war broke out, or if there were great activity in the ship-building trade—they would find that they would have to increase the wages of the hired artificers. So that, by having to pay extra wages in times of dearth, they would far more than swallow up the extra cost of the men on the establishment in time of peace. Men not on the establishment always felt themselves in a position of inferiority to those on the establishment. The hired shipwrights worked side by side with the establishment men. It was true that they got slightly higher wages; but they had not the same security of permanent employment, particularly when a Liberal Government was in Office, and they were always in fear of losing their employment by retrenchment. Those men felt uncertainty in their work, which made them dissatisfied with their position. Hon. Members below the Gangway on the other side sneered at these arguments; but those artificers had themselves and their families to support, and were as anxious for security for their small incomes as hon. Members were for the security of their large incomes. The hon. and gallant Member for Devonport had not been ashamed to stand up and state that

those men were not treated fairly and properly. Those men knew that they were working side by side with establishment men, who were gradually accumulating deferred pay in the shape of annuity, which would render them comfortable for the rest of their days when they could no longer work; and they felt themselves to be suffering under great injustice in not being allowed to enjoy a similar advantage. When the establishment was first instituted, men were always after a few years of probation placed on the establishment. But, at present, men were kept out of the establishment for 12 and 15 years in order to save their pensions. He did not think that was a wise course for the country to pursue. He was not asking money from the public purse to distribute amongst his constituents; but he thought it would be wise if the Admiralty would look into the whole system, and would treat all the men upon the same principle. If there was one thing workpeople liked more than another, it was equality. They could not see why, if two men were working side by side at the same job year after year, one man should be able to earn a pension which would make him comfortable for the rest of his days, while the other had no such prospects. That was the case. It was a very simple question, and it ought to receive the serious consideration of the Admiralty. He thought that the remarks of his hon. and gallant Friend were worthy of attention; and he should not have risen to take any part in the discussion if he had not felt indignant at hon. Gentlemen, who actually took no part in the discussion of Naval Estimates, interrupting his hon. and gallant Friend.

MR. SHAW LEFEVRE said, that the hon. Member for West Norfolk (Mr. Bentinck) had again raised the discussion of the question which occupied the House when the first Votes were taken this year, and his reply must, consequently, partake of the character of a recapitulation of the statements he then made. The hon. Member complained of the reserves of iron-clads. In reply, he must point out that there was, at the present time, a larger number of iron-clads in their first-class Reserves in the Dockyards than at any former period. There were five such vessels—namely, the *Dreadnought*, the *Sultan*, the *Nelson*,

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the *Devastation*, and the *Swiftsure*, and to these would shortly be added the *Neptune*, the *Superb*, and the *Orion*; while in the course of the year the number would be increased by the *Inflexible*, which would be the strongest vessel afloat. Next year there would also be added to the Navy the *Ajax* and the *Agamemnon*. He frankly admitted, on a former occasion, that it would be desirable to hasten on the iron-clads building in the Dockyards; and they had, to the best of their ability, acted in this direction. He had pointed out that it was not possible, with due regard to economy, to employ more than a certain number of men upon each individual ship. They had closely approached that limit in the proposals they had made. He would venture to hope that next year they might be able to complete a larger tonnage of iron-clads than during the present year. On the last occasion on which he had spoken on the matter before the House, he had pointed out that the Admiralty proposed to build, by contract, three very fast cruisers. He pointed out that there was a greater reason to complain of the want of cruisers than of iron-clads. Looking to the fact that during the last two years there had been but a small amount of this class of vessels added to the Navy, he stated that they were going to build three first-class cruisers, and he might also state that they were now completing four corvettes, not, perhaps, first-class cruisers, but powerful and valuable vessels; and, in addition to this, there were seven sloops also in course of construction. He had before him a list of 10 vessels which were of the greatest value. Amongst them were the *Inconstant*, the *Shah*, the *Boadicea*, the *Bacchante*, and the *Euryalus*. Therefore, they already had in the Navy 10 vessels which could steam at a greater speed than 14 knots an hour. In the present year they proposed to add three more such vessels to this list, and he hoped that, from time to time, they would be able to add further to it. He quite agreed with the hon. Member for Burnley (Mr. Rylands), as regarded the Mercantile Marine, that it would be a great source of strength in the event of a war. The right hon. Gentleman opposite (Mr. W. H. Smith), when there was a prospect of a war with Russia, made inquiry into the state of the Mercantile Marine. Of first-class

vessels that could be available, he had ascertained there was a considerable number—he believed 30 or 40, perhaps more—and all of them were capable of steaming 14 to 15 knots an hour. By a very little alteration they could be turned into war vessels, and would add greatly to the cruising strength of the Navy. All these matters had to be taken into consideration when estimating the real strength of the Navy. The Mercantile Service must be considered as adding substantial strength to the Navy, on which to rely in time of war; and he was satisfied that no other Power had anything like the same number of vessels and her Mercantile Marine to fall back upon. In addition to those vessels, there were also several iron-clads, which had become obsolete as first-class ironclads, and which, by a certain expenditure, could be converted into cruisers. In the case of some of them, at all events, it was contemplated to turn them into cruisers by putting compound engines into them, and so increasing their speed. By that means, they would gain a considerable increase to the cruising strength of the Navy. He thought it would not be a wise policy to build at once 30 or 40 vessels of that kind. The better course would be to add to their number gradually. He could not, therefore, agree with his hon. Friend the Member for West Norfolk (Mr. Bentinck) in that respect. His hon. Friend went on to ask what was the intention of the Government with regard to the training of seamen for the Navy, and he quoted from the speech of the Civil Lord (Mr. Brassey), which was made recently, with reference to sending out seamen in sailing vessels. All that his hon. Friend (Mr. Brassey) had stated was that he considered it necessary for the Admiralty to send young seamen to sea; but he did not say what class of vessels they should be sent out in. The hon. and gallant Member for Devonport (Captain Price), and his hon. and learned Friend the Member for Chatham (Mr. Gorst), had raised the question as to the number of established men in the naval factories. His attention had not been called to that subject during the time he had been in Office; and it was the wish of the Board of Admiralty to postpone the consideration of such questions until the Board of Admiralty visited the

Dockyards in the autumn. They would then hear all that could be said on the subject by the various classes of workmen, and decide what was to be done. Such a question, he ventured to think, was scarcely a proper one to be discussed on the floor of that House. When he was at the Admiralty before, he had always advocated treating such questions by direct communication between the Board of Admiralty and the men; and he deprecated, as far as possible, making that question the subject of political discussion in that House. He did not believe that, in the long run, any class of workmen would be the gainers by making such a matter a political question; and he thought hon. Members ought to be satisfied to leave the authorities to deal with it. All such questions, he begged to assure the Committee, would be fairly considered when the Dockyards were visited by the Board of Admiralty. With reference to the general question of establishment, hon. Members would, no doubt, admit that it was one of great difficulty. Dockyard men were, till lately, divided into two classes—dockyardmen proper, and those who were employed in the factories. The first-named were entitled to superannuation, but not the latter. But in the year 1879 a change was made. The system of superannuation was introduced into the factories, to a limited extent. For his own part, he had been opposed to this change; but, inasmuch as it had been introduced, it could not be again withdrawn, and, therefore, the only question was to what extent it should be carried. Of course, the Committee must see that if they gave a man a pension they must proportionately reduce his wages. He believed that the hon. Baronet opposite (Sir Massey Lopes) carried out that arrangement, and whenever a pension was granted a proportionate reduction in wages had been made. He did not think it wise to introduce that principle in the factories; but, as it had been introduced, the question to what extent it should be carried out would be the subject of the most careful consideration of the present Board of Admiralty. The hon. Member for Burnley (Mr. Rylands) had pointed out how important it was that the House should be informed every year, on the Estimates, whether the work promised in the previous Estimates, as regarded

ship-building, had been carried out. He had also pointed out that for the last three or four years in succession those promises had not been carried out. He could only say that it had been usual for Ministers, when laying the Estimates before the House, to state what work had been accomplished during the previous year; but he hoped next year to be able to lay upon the Table of that House a Return giving fuller details of that matter. When the arrangements were completed, and that Return was before them, they would be able to see how much of the money expended had been devoted to ship-building or ship-preparing. He thought he had now answered all the Questions which had been asked, and he hoped that the Vote would then be agreed to.

MR. W. H. SMITH said, he wished to ask the hon. Gentleman the Secretary to the Admiralty a question which, perhaps, he was in a position to answer. A Committee was appointed by the late Board of Admiralty, in conjunction with the then Secretary of State for War, in reference to the guns to be placed in those ships. He had himself considered that some arrangement might be come to by which some sort of composition might be introduced, so that the Naval Service should not rely entirely on the Woolwich Gun Factory. He did not know whether the hon. Gentleman was in a position to give to the Committee any information on the subject. He was sure that he would agree with him that that was the right course to take as regarded the matter of guns for large ships.

MR. BENTINCK said, that his hon. Friend the Member for Burnley (Mr. Rylands) had taken exception to what he had stated with reference to additional expenditure; but he was bound to say that he considered that the greatest economy would be practised by adding largely to the strength of the Navy. He must remind his hon. Friend, with all respect to him, that he seemed to have lost sight in his argument of one important fact. He admitted the necessity of having an efficient Navy, and yet when he talked of economy he seemed to forget the increased cost of everything connected with the Navy. If they were to have an efficient Navy, he would remind him that it must be at a cost much in excess of that of former years. That

was a point that the hon. Gentleman seemed to have forgotten; and he wished to impress upon him the necessity of considering it when talking of the efficiency of the Navy. He should like to say one word with regard to what fell from the hon. Gentleman the Secretary to the Admiralty with reference to such enormous iron-clads as the *Inflexible*. There could be no doubt, and, in fact, it was well known, that ships such as that were regarded as being of a very doubtful character; and it was for consideration whether they contributed to the real available strength of the Navy of this country. He also said that they relied upon a number of Coast Guard ships of bygone days as line-of-battle ships. He (Mr. Bentinck) considered that such vessels were practically useless; and he thought it was hardly right to treat these in the number of cruisers when there was no intention of increasing that class of vessel by new ones. He could not, therefore, agree with his hon. Friend in that matter. Some hon. Member had alluded to the question of the conversion of merchant-men into naval vessels. For his part, he had great doubts whether they would turn out to be useful or not. There were many objections to them, not the least of which was that it was a work of time before those ships could be converted into efficient cruising vessels. He believed that in the event of an outbreak of war such vessels would come too late; everything would have to be done, and nothing would be ready; and this country would find itself in a position of extreme difficulty, not to say jeopardy. The whole subject, in fact, required very serious attention. The hon. Gentleman the Secretary to the Admiralty said that all those things would have to be attended to with due regard to economy; and that was where he differed from him. He fully agreed, however, with his hon. Friend the Member for Burnley (Mr. Rylands) as to the necessity of economizing, as much as possible, in the Navy; but he denied that allowing the Navy of this country to remain in a state of inefficiency was entitled to be classed under the head of economy. He contended that economy must give way, if a too rigid adherence to it would be likely to entail national disaster.

MR. SHAW LEFEVRE said, he was unable to answer fully the question of the

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right hon. Gentleman opposite (Mr. W. H. Smith). He could, however, say that they agreed with him that it was important that the Admiralty should be in a position to order guns from some other source than Woolwich. Arrangements had already been made with Messrs. Armstrong to manufacture a 43-ton gun, and also 14 6-inch guns. With regard to the former, until it was completed and tried, it was impossible to say whether further orders could be given. It would depend upon the trial; and, if successful, a similar one would be ordered by the War Office.

MR. ARTHUR O'CONNOR said, he had moved an Amendment to reduce the Vote. He mentioned that for the information of those hon. Members who had been dining. The new Members—of whom he was one—had kept the House, according to the advice received on the first evening. He moved to reduce the Vote as a protest against the system by which the whole of the Navy expenditure was made for the benefit of this country, to the entire exclusion of Ireland. He had already pointed out how the bulk of the money under that Vote, both for wages and labour, was spent in England, and how not one-thousandth part went for the benefit of Ireland. He should propose a similar reduction of the amount which had to be voted for Dockyards in England—namely, £13,000, because that represented the amount which ought properly to be spent in Ireland on that Service. As he understood the hon. Gentleman the Secretary to the Admiralty, he admitted the force of his complaint, and stated that the Government intended to proceed with the works now in course of completion until the Dockyard in Ireland was finished. If he was mistaken, perhaps the hon. Gentleman would correct him. He (Mr. Shaw Lefevre) proposed to proceed with the works at present in hand at Haulbowline; but if they really intended to build the Dockyard, then he could not see why no sum was asked for for that purpose in the Dockyard Vote they were then discussing. When he proposed his Amendment the hon. Gentleman had said that it should properly have come in the consideration of Vote 11, and stated that the sum proposed to be spent at Haulbowline would be found under that head. He had turned to that Vote, and

found a sum of £30,000 on account of those works; but that was nothing like the sum required in order to catch up or overtake the sum which had already been spent in similar work in England. If such a sum as £120,000 or £100,000 were asked for for that purpose, he should be willing to withdraw his Amendment for the reduction of the present Vote. The hon. Gentlemen had given the Irish Members an assurance that that dockyard work in Ireland would be proceeded with immediately and with the greatest possible despatch. The hon. Gentleman had not been connected with the Admiralty so long as he (Mr. Arthur O'Connor) had been with another Department of the Public Service; and he knew that there was no difficulty whatever in transferring an item of the Vote if the Treasury chose to do so, or in allowing the amount to be expended on works in Ireland. If the hon. Gentleman would say that a much more considerable sum would be spent than what appeared then on the Estimates, he would not only withdraw his Amendment, but promise not to oppose Vote 11 when it came on.

THE CHAIRMAN: I understand that the hon. Member wishes to withdraw his Amendment. Is it your pleasure that the said Amendment be withdrawn?

MR. A. M. SULLIVAN said, that the present course of spending the public money for a Dockyard in Ireland was a mistake. If they really wanted a Dockyard at Haulbowline, it ought to be proceeded with. If not, driblets of £10,000 or £20,000 ought not to be thrown away on it. He could tell the Secretary to the Admiralty that the Government had been supposed to be bent on building a Dockyard there for nearly a century. In 1799 the vote of an Irish Member of Parliament, who represented a constituency near Haulbowline, was sought to be purchased by the Minister of that day by undertaking that the Imperial Parliament should build a Dockyard there. In the year 1801 or 1802, Parliament began the driblet system, pretending to keep faith with the man whose vote they had bought over.

THE CHAIRMAN: I wish to point out to the hon. and learned Member that the Vote for Haulbowline comes under Vote 11.

MR. A. M. SULLIVAN said, he was not aware that that Vote was referred to

under Vote 11 until then. He should not have attempted to raise that point at all, had it not been that he thought that the question of the prosecution of the Haulbowline works ought to be considered under that head. He took it that the English Dockyards were considered under the present Vote.

MR. W. H. SMITH said, he rose to correct a misunderstanding of the hon. and learned Gentleman who had just sat down. The present Vote was not the one under which the question he had raised could be considered. The wages of the men employed in the Dockyard were provided in Vote 6; but the cost of the works proposed to be carried out was provided for under Vote 11. Therefore, when that Vote came on it would be the right time to discuss the matter referred to by the hon. Member.

MR. A. M. SULLIVAN said, he begged to thank the right hon. Gentleman for his suggestion, and he should raise the question under Vote 11.

MR. BIGGAR said, that, after the statement of the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) and the explanation of the Secretary to the Admiralty (Mr. Shaw Lefevre), it seemed undesirable at the present moment to raise the question of the Vote for Haulbowline. But, considering the fact that no wages could be charged for shipbuilders until the works there were completed, it appeared to him that the question did enter within the limits of the present discussion. He thought that to move to reduce the Vote was not, however, the way to obtain the object they had in view. The proper way seemed to be to raise a discussion on the subject, and to press it upon the attention of the Committee. To move to reduce the Vote was not, by any means, a direct way of proceeding. Nothing like the sum that ought to be spent had been spent on those works; and he thought, therefore, that his hon. and learned Friend the Member for Meath (Mr. Sullivan) was fully justified in raising a discussion of the question. Certainly, an alteration ought to be made in the present system of voting money for those works, and it was most desirable that they should be finished as soon as possible.

Motion, by leave, *withdrawn*.

Original Question again proposed.

Mr. A. M. Sullivan

MR. JENKINS said, that he found, under the head of "Foreign Dockyards and Allowances for Naval Arsenals," Vote 10, a sum of £43,600, and a further sum of £166,500, for expenses in foreign Yards. He wished to obtain some information on that head. The money expended in home Yards was explained; but no information was given as to the expenditure for foreign Yards. A large sum of money seemed to be spent in re-fitting and repairing ships in commission; and it was, he thought, most desirable as regarded that expenditure. He thought that the sum spent was much more than absolutely necessary—for instance, the sum spent at Hong Kong was very large, and they should have some details as to what ships were repaired at that station, and the cost of such repairs. He hoped that the Board of Admiralty would take that matter into their consideration, and would furnish the House with all the information they could upon the subject.

MR. SHAW LEFEVRE said, that the Return they proposed in another year to lay before the House would give all the information desired upon that subject.

SIR ANDREW LUSK said, they had drifted away for some time from the question before the Committee. They had gone into a discussion as regarded wages of artisans and other classes of men, and had heard hon. Gentlemen talking about the "wages of my constituents." He did not find fault with Gentlemen from England or Ireland trying to gain advantages for their constituents, or wanting a share of the money spent in the localities represented; but he begged to remind them that they had met there for the good of the country, and not for the benefit of any particular constituency. He should like to say a few words upon that Vote. They spent an enormous sum in wages; but he thought they saw little for it. Some hon. Member—he had forgotten who it was—said that there had been more expenditure than last year, and less to show for it. He could not understand how that was so. He thought that those works in Her Majesty's Yards compared very unfavourably with those of the Mercantile Marine. In the latter, they could always get a large ship built in six or eight months; whereas, in the Dockyards, they took four or five years.

been taken a little earlier than was expected, and, therefore, he was not in the House; but his right hon. Friend had told him that he thought the question had much better be discussed when it arose on the Votes. And he was inclined to agree with him that that was certainly not the most convenient way of raising the whole question. With respect to a question put to him by the noble Lord opposite (Lord Randolph Churchill), he begged to state that the Endowed Schools Bill (Ireland) would stand over.

MAJOR NOLAN thought he had a right to complain. The Government promised to give him an answer on Report, and, therefore, he did not go into the question in Committee. He knew, of course, that it was an accident that the Chief Secretary for Ireland was not there; but, still, he thought he was entitled to an answer, and if the Government did not keep to arrangements which they made in this way, how could any trust be put in them? It was not at all a fair thing to say that the matter had better be discussed in Committee, when he had been promised an explanation on the Report, and it could scarcely be called fair and straightforward conduct.

Resolutions agreed to.

TAXES MANAGEMENT BILL.—[BILL 242.]

(*Lord Frederick Cavendish, Mr. John Holms.*)

SECOND READING.

Order for Second Reading read.

LORD FREDERICK CAVENDISH, in moving that the Bill be now read a second time, said, it was merely a measure of consolidation, brought in in consequence of the recommendation of the Statute Law Consolidation Commission, and its object was fully described in the Memorandum attached. He could not understand that there could be any objection to it; but, if there were any, it had much better be considered in Committee. There could not possibly be any objection to the principle of the Bill, which was to embody in one measure all the provisions of the law relating to taxes.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Lord Frederick Cavendish.*)

LORD RANDOLPH CHURCHILL said, they had a Bill of a similar kind before them the other evening, and the noble Lord the Secretary to the Treasury then told them it was merely a measure of consolidation; but, on examination, it was found that if it had been passed some of its clauses would have been directly opposed to the spirit of the Budget of the Prime Minister. Now the noble Lord brought in another Bill containing 120 clauses, which, he ventured to say, no single Member in that House had any knowledge of. ["Oh, oh!"] Well, he doubted very much whether the hon. Member who said that had ever seen the Bill before. It consolidated an enormous number of Acts, and he would like to ask whether this was a Bill for which the noble Lord was himself responsible, or whether he found it in the office when he came there? If the Bill had been brought up in the short time during which the present Government had been in Office, he should not like to take the noble Lord's assurance that it was merely a consolidation measure.

LORD FREDERICK CAVENDISH denied that he in any way misled the House in reference to the Spirits Bill. Certain provisions were inserted into it which were in accordance with the existing law, although they would be modified if a measure since introduced were carried. But it would have deceived the House had not those clauses been produced, because the Malt Tax was in existence at the time, and his measure only professed to be a consolidation of the existing law. He should state most positively that this was simply a consolidation Bill, with the exception of the alterations mentioned.

MR. GORST said, no answer had been given to the question whether the Bill was prepared by the present Government—[LORD FREDERICK CAVENDISH: Certainly not.]—or whether they found it in the office when they went there? If the Bill was prepared by the late Government, he thought they might have sufficient confidence in the measure to allow it to pass.

Motion agreed to.

Bill read a second time, and committed for Monday next.

but the Committee had made up their minds long ago. The Secretary to the Admiralty had told them that he did not intend to do anything before the end of the Session, and the Committee had no guarantee that the question would be dealt with next Session.

MR. GLADSTONE said, it was hardly fair that an hon. Gentleman should propose to pass a Vote of Want of Confidence in the Admiralty, because, as he said, there had been great delay in former years in dealing with this matter, and because, after being but a few weeks in Office, his hon. Friend was unable to comply with a demand involving the reorganization of an important body of men, and, therefore, requiring a great deal of consideration. And then, because the hon. Gentleman had not laid the Report upon the Table of the House, he had proposed to pass by his Department altogether, without allowing the time asked for consideration of the matter, and to proceed at once to the examination of the Report.

CAPTAIN PRICE said, he recognized no distinction whatever between one Government or another, so far as this matter was concerned. He was perfectly consistent in the matter, and repeated that the House had not dealt with the question of the Royal Marines as they ought to have done in a straightforward manner. The last Government had instituted an inquiry; after many years' delay they had appointed a Committee; and he now asked that, as the Committee had reported months ago, its Report should, like other Reports, be laid upon the Table of the House.

MR. W. H. SMITH said, the Committee had only been appointed a few months ago. Their Report, therefore, had only been, as the hon. Gentleman opposite had stated, a few weeks before the Board of Admiralty. There was much difficulty in fully considering a question of this character, and arriving at a fair conclusion. A great deal had been done for the Royal Marines during the last Parliament. His hon. and gallant Friend must remember very well that the retirement of the officers had been raised and placed on the same scale as those in the Army, and the pensions of non-commissioned officers had also been increased. It then became necessary to consider the position of the corps as a whole, and he had thought it

right to appoint a Departmental Committee to consider the question. The matter being one of great importance, he should deprecate any hasty decision on the part of the Government. Such a decision would not be fair either to the corps itself or to the interests of the country. However, he thought that as soon as a decision was arrived at it should be announced to the House. He believed the corps was necessary to the strength of the country; and all the Committee had been instructed to consider was how its efficiency might best be forwarded, while the interests of the officers were to be especially considered.

SIR H. DRUMMOND WOLFF said, the right hon. Gentleman at the head of the Government had said that his hon. and gallant Friend had passed by the Board of Admiralty. But it was the Secretary to the Admiralty who had, on every occasion, passed by the Board by his referring everything to the decision of Lord Northbrook.

Vote agreed to.

(6.) £758,250, to complete the sum for Naval Stores for Building and Repairing the Fleet, &c.

MR. ARTHUR O'CONNOR said, he wished to ask the Secretary to the Admiralty what progress had been made in ascertaining the amount of naval stores remaining on hand? It was well known that the Admiralty authorities were perfectly in the dark as to the amount of stores they possessed. Again, the system of periodical sales by auction had been pointed to by the Comptroller and Auditor General, as resulting in the inevitable waste of public money. He (Mr. O'Connor) hoped the Secretary to the Admiralty would admit that the question was one which called for immediate attention; and the least the Committee could expect was an assurance that the question would be dealt with before the Estimates of next year were laid upon the Table.

MR. SHAW LEFEVRE said, in consequence of the representations of the Comptroller and Auditor General, arrangements had been made for taking regular accounts of the stores in the Dockyards. It was not a new arrangement; but the audits had fallen somewhat into arrear, and an arrangement had been made by which they would be very much accelerated. Only two days

Captain Price

ago the Treasury had sanctioned an extra grant for the purpose. He hoped that the explanation would satisfy the hon. Member.

MR. GORST asked whether both sections of this Vote were to be taken together, or whether one section was to be discussed at a time? He believed it was usual to take one section at a time.

THE CHAIRMAN said, that he should first put Section 1.

Vote agreed to.

(7) £556,750, to complete the sum for Machinery and Ships built by Contract.

MR. ARTHUR O'CONNOR said, he should like to ask the hon. Gentleman what arrangements had been made with regard to the outstanding claims for deficiencies in the stores of the training ship *Gibraltar*? He believed that the deficiencies had amounted to several thousand pounds, and he should like to know what steps had been taken.

MR. SHAW LEFEVRE said, he was sorry he could not give the hon. Member an answer on that occasion, inasmuch as the question was new to him. At all events, he could not reply upon this section of the Vote, which was for ships built by contract and not for stores. If the hon. Member would bring forward a question upon Report he would give him an answer.

Vote agreed to.

(8.) Motion made, and Question proposed,

“That a sum, not exceeding £419,213, be granted to Her Majesty, to complete the sum necessary to defray the Expense of New Works, Buildings, Yard Machinery, and Repairs, which will come in course of payment during the year ending on the 31st day of March 1881.”

MR. W. H. SMITH said, he should like to know what course the Admiralty was taking with regard to the Naval Barracks at Portsmouth? That was a question of very serious importance. There could be no doubt that some of the depôt vessels at Portsmouth were rapidly decaying, and that it would not be possible to replace them without great outlay. The late Admiralty gave very careful consideration to this matter, and arrived at the decision to commence new barracks. He hoped that their successors had seen fit to adopt their decision to construct buildings sufficient to accommodate 1,000 men. The pre-

sent condition of the *Duke of Wellington* flag ship was very serious, and a large outlay would be required upon her for the next few years, unless these designs were carried out. There was not another ship which could be brought into service without an expenditure approaching that which would be necessary for restoring her.

MR. T. BRASSEY said, that this question had come under the consideration of the present Admiralty, and they had arrived at the conclusion to carry out the designs of the late First Lord. The question of site, as the right hon. Gentleman knew, had given rise to a certain amount of discussion, and it had been thought better to postpone the final decision as to the site until the Government had had further opportunities of considering it. In other respects the Government had approved the policy which recommended itself to the late Board of Admiralty, and had decided to carry out their designs.

MR. ARTHUR O'CONNOR said, that he hoped before this Vote was taken Her Majesty's Government would give Irish Members some clear undertaking as to what it intended to do with regard to the Dockyard works in Ireland. At the present time they were far from having any clear idea as to the intentions of the Government. The hon. Gentleman the Secretary to the Admiralty had stated that it was proposed to take the sum of £30,000 during the present year for the Dockyard works of Haulbowline. The hon. Gentleman must have thought hon. Members were exceedingly ignorant as to the expenses of the Dockyards. He must have been aware that when, 15 years ago, it was proposed to establish Dockyards at Portsmouth and Chatham, the Admiralty authorities applied to Parliament for an Act authorizing an expenditure of £1,500,000 for Portsmouth, and for Chatham of something over £1,000,000. Since that date the Admiralty had entered into contracts £700,000 in excess of the amount they had estimated for. Year after year they had taken tens of thousands and hundreds of thousands of pounds for these Dockyards. By an Act of Parliament they were limited to £1,000,000 and £1,500,000 respectively for the Dockyards; but they had exceeded their authority, without the sanction of Parliament, in the case of Ports-

mouth to the extent of £700,000, and in the case of Chatham to £800,000. They had never accounted to Parliament for that excess of expenditure over the authorized Estimates; but they had never hesitated to spend money on the Dockyards of this country. But with regard to Dockyards in Ireland, he would challenge hon. Gentlemen to show him any single case where the amount estimated for had been expended. Frequently the money had been returned to the Treasury as unexpended, although Parliament had voted it for Irish Dockyards. He maintained that it was trifling with Irish Members to announce the intention of the Government to establish Dockyards in Ireland, and only to ask £30,000 on account of them. That sum did not amount to a hundredth part of what had been expended upon Portsmouth and Chatham. At the rate at which they were now building the Irish Dockyard, it would not be completed in 100 years. What use was it to tell the people of Ireland that a Dockyard was being constructed in that country, when it was building at such a rate as this? Moreover, they had no assurance from the Treasury that the sum voted would be actually expended; and he must ask that the Government should give an assurance that the money would be expended. He should also like to know in what time they might expect to see the work completed?

LORD RANDOLPH CHURCHILL said, perhaps hon. Members were not aware that the works at Haulbowline were being carried out by convict labour. When he was at Haulbowline, he was informed that there was an excellent stone in the neighbourhood, which could be quarried in the most excellent and perfect manner at one-third of the price it could be contracted to be delivered at Haulbowline. But notwithstanding that, it would have been a very great advantage to the neighbourhood that local stone should have been used; yet the late Admiralty chose, for some reason or other which the officials on the spot did not understand, to make a contract with some large stone merchant to bring stone from England and land it at Haulbowline. Moreover, the quality of that stone was slightly inferior to that which could be quarried on the spot.

MR. SHAW LEFEVRE said, it was intended to spend about £25,000 upon

works at Haulbowline, that being the same amount as had been spent during the last few years. He admitted that it was not a large amount; but he had always understood, as convict labour was employed upon the construction of part of the Dock, it was not possible to push the works very rapidly. The state of crime in Ireland had been such that the number of convicts was not considerable; and, therefore, the work had not progressed very much. With regard to the observations of the noble Lord, he could give no explanation; and it was a matter for which his Predecessors were responsible, rather than the present Board of Admiralty.

MR. W. H. SMITH said, he was not aware of any contract of the sort referred to by the noble Lord having been made; but if the hon. Gentleman the Secretary to the Admiralty would allow him to obtain information at the Admiralty, he would give an explanation to the noble Lord.

LORD RANDOLPH CHURCHILL said, he would give Notice of the Question.

SIR H. DRUMMOND WOLFF said, that the employment of convict labour was a matter of great grievance to Portsmouth. It was very hard upon the builders of Portsmouth to have to compete with convict labour; and he wished to know whether convict labour was to be employed at Portsmouth Dockyard?

MR. T. BRASSEY said, it was not intended to employ convict labour upon the barracks in Portsmouth Dockyard. Convicts had been employed in making foundations; but as soon as the plans had been decided on the work would be placed in the hands of contractors.

MR. GORST said, that he wished to ask Her Majesty's Government one or two questions. The first related to the Naval College at Greenwich. It seemed that a Vote was taken for half the cost of decorating Greenwich Chapel; and he supposed he was not wrong in imagining that the other half of the cost was to be paid out of the Greenwich Hospital Fund. He should wish to ask the hon. Gentleman the Civil Lord of the Admiralty upon what principle the half cost of decorating the chapel was charged upon the Greenwich Hospital Funds? There were no pensioners at present to use the chapel, and it was solely for the benefit of the naval offi-

cers at the College. He thought that if the chapel needed decoration the whole charge ought to be defrayed out of the Estimates of the country. The second question he wished to ask was with regard to Ascension Island. As on this occasion a substantial sum was charged in respect of Ascension Island, he thought he should be in Order in raising the question. The sum of £1,000 was charged in respect to ordinary repairs and maintenance of buildings; and, no doubt, there was a regular annual charge for repairs of buildings, as well as for wages, at Ascension Island. He wished to know whether the Government, some day or other, would give the House a Return of the whole cost of maintaining Ascension Island? It might be very proper to maintain it, and he did not wish to cast any slur upon either the present or the late Admiralty for treating the island like a ship; but he did think that the House ought to have before it the whole expense of maintaining the island. In almost every Vote there appeared some charge or other for the maintenance of something at Ascension Island; and it was only fair to the House to have before it, in some shape or other, the whole cost of maintaining Ascension Island.

MR. T. BRASSEY said, that with regard to the chapel at Greenwich Hospital, it was used partly by boys at Greenwich School, and that was the reason for half of the cost being paid out of the Greenwich Hospital Fund. As respected Ascension Island, a statement would be prepared and laid before the House which would give the hon. and learned Member the information he required. Personally, he should be very glad of that statement.

MR. ARTHUR O'CONNOR said, the hon. Gentleman the Secretary to the Admiralty seemed to be in a very mirthful mood, for he had been good enough to say that the Government restricted their Vote on account of Haulbowline Dockyard to £30,000, because they employed only convict labour, and that as there were few convicts in Ireland it was not possible to push the work. That was the reason given why the just claim of Ireland for a Dockyard was not to be met at present. Some time ago he pressed the Government to tell him the time which the Dockyard would take in construction, and what steps the

Government would take to press that completion forward? That question had not been answered, and the hon. Gentleman did not seem to think it necessary to answer it. He wished to point out to the Committee that this £30,000 was one-seventeenth part of the cost of Haulbowline Dockyard. Anyone listening to the hon. Gentleman the Secretary to the Admiralty would imagine that the Government had determined at last to do something in the way of Dockyards in Ireland; but what they proposed to do did not give any evidence of their intention. If the Government had any intention of giving a Dockyard to Ireland, it would be satisfactory to Irish Members to know that. Irish Members did not propose to let the matter be lost sight of, or to allow the Government to take only £30,000 for Dockyards in Ireland. When they were on Vote 6, they were told that the question of Irish Dockyards ought not to be raised upon it. He raised it on the present Vote, because he found that the Government were spending £8,000 more than they were authorized to spend upon English Dockyards. They were now asking £112,000 for the works at Portsmouth; and in order to test the sense of the Committee he begged to move the reduction of the Vote by that sum.

Motion made, and Question proposed,

"That a sum, not exceeding £307,213, be granted to Her Majesty, to complete the sum necessary to defray the Expense of New Works, Buildings, Yard Machinery, and Repairs, which will come in course of payment during the year ending on the 31st day of March 1881."—(Mr. Arthur O'Connor.)

CAPTAIN PRICE said, that this Dockyard at Haulbowline was either necessary or it was not. If it were unnecessary, it ought to be removed from the Votes; but if necessary, the Government ought to press it forward. It was perfectly ridiculous to think of completing a Dockyard by spending £20,000 or £30,000 upon it for the last few years. He had been at Haulbowline, and he had seen the way in which the work was carried on there. The harbour was silted up almost as fast as it could be dredged. The hon. Gentleman the Secretary to the Admiralty had given as his reason for the work not being pushed forward that convict labour was not in excess in Ireland; but he would ask the Government why convicts only

should be employed on this work? They all knew what convict labour was. If a little drop of rain came, all the convicts were marched off under cover, and the work was at a standstill. But there were a great many labourers in Ireland who did not care for rain, and who would do the work much better than the convicts did. He should have thought that, looking at the necessity to provide work for the people in Ireland, the Government might have made this a time to push forward this work, and instead of asking for £30,000 they might have asked for £60,000. In a strategic point of view, it was most important to have a Dockyard at Haulbowline. He believed that in that opinion every hon. and gallant Member in that House would bear him out.

MR. DALY said, that the reason alleged for the smallness of the Vote for the Dockyard at Haulbowline was that it was to be entirely executed by convict labour. He could not understand why works should be done in England by contract, and in Ireland by convict labour only. In the immediate neighbourhood of Haulbowline both men and material were ready at hand, and employment was sorely needed by the people. Why were they, who were taking their share of the Imperial Government and of the Imperial taxation, to be told that the work was to be done entirely by convict labour, in spite of the necessity for giving employment in the neighbourhood of Haulbowline?

MR. SHAW LEFEVRE said, that he hoped the hon. Member for Queen's County (Mr. Arthur O'Connor) did not understand him as not giving a complete answer to his question. He had informed the hon. Member that he was not possessed of full information upon this subject. He had further told him that the delay in the progress of the work was due, in a great measure, to the employment of convict labour. Seeing the difficulties in the way, he did not understand how it would be possible to employ a greater amount of labour. No further amount of labour had been provided for in the Estimates. The work was carried out almost entirely by convicts, and it was impossible to get other labourers to work on the same spot with convicts. He had been informed that it was simply impracticable to increase the strength of the labour

employed either in the area of the basin or that of the dock.

COLONEL COLTHURST said, that with regard to Haulbowline, he wished to state that that he believed the inhabitants of the district were well satisfied that as much labour was being employed there as could be advantageously employed.

MR. ARTHUR O'CONNOR said, it was natural to suppose that after the testimony of the hon. and gallant Member who had just sat down he should be disposed to withdraw his Amendment; but he could not reconcile that proceeding with his duty not only to his constituents, but also to the main body of the taxpayers in Ireland. The hon. and gallant Member for Cork (Colonel Colthurst) had said that as much labour as possible was employed at Haulbowline, and he (Mr. O'Connor) quite believed that. They knew perfectly well that a larger number of convicts was employed than of free labourers, and it was a well-known fact that less work was obtained from convict labour than from any other kind. There appeared to be no reason whatever why the works should not be pushed on more rapidly. Haulbowline was a large place, where free labour could easily be employed, as well as convict labour. There could be two separate gangs, so that no possible inconvenience could arise from being employed on the same work. As a matter of fact, the Secretary to the Admiralty had admitted that the two kinds of labour might be employed together, and he believed that that was being done elsewhere. The fact was that there was no real difficulty in the matter; but the present Government was like its Predecessors, and would not move until they saw that the Irish Members were determined. He should consider it his duty to press his Motion to a division.

SIR PATRICK O'BRIEN said, he had heard that subject discussed for a very considerable time, as to whether those works should be carried on or no. He was so anxious to make inquiry with regard to that matter of the late First Lord of the Admiralty (Mr. W. H. Smith), and he was sure that he would be doing a kindness to many hon. Members if he would be good enough to answer it. It was with reference to the employment of labour at Haulbowline. Could he say whether the labour em-

ployed there when he left Office was to the full extent to which it ought to be carried?

MR. W. H. SMITH said, he had already stated that as much labour was employed when he left Office, and during the whole of the autumn and spring, as it was possible profitably to employ at Haulbowline. The men were employed upon the construction of the great dock, and in the excavation of the basin also. Free labour was employed in the dock and convict labour in the basin, and the two sets were kept distinct. They had done all they could, when they were in Office, to furnish as much profitable employment there as possible.

MR. DALY said, he had received a communication from a Mr. Andrews, a resident engineer at Haulbowline, in which he stated that a causeway of stone that had been excavated might very well be constructed from Ballybritton to the opposite side of the river. The local proprietors had sustained some slight injury from the works, and it would be a boon to them to have the causeway constructed. It would, however, be a good opportunity for employing a number of unskilled labourers.

MR. SHAW LEFEVRE said, he had not heard about such a proposition. He would, however, make inquiry, and reply on the Report of the Committee.

MR. DALY said, he would state, for the information of the hon. Gentleman, that the scheme was suggested by the gentleman he had named, a resident engineer. He believed it would be a great benefit if carried out.

MR. PARNELL said, that the hon. and gallant Member for County Cork (Colonel Colthurst) had stated that although he had not had the opportunity of inspecting the works, he was assured that as many hands were employed as possible. Of course, that might be so; but what they complained of was that the works were such that very few men could be employed upon them. They thought the Government should have more extensive works in hand, so that more of the public money which they were privileged to pay should be spent in Ireland. It must occur to them that it appeared hardly fair that where Ireland paid one-seventh, or perhaps one-eighth, of the contributions under that head to the Imperial Exchequer, she only received back, in the shape of

money spent on Dockyards, about one-thousandth part. The benefit derived by that country was, in fact, infinitesimal. He could not help thinking that the time might come when Dockyards in Ireland might be of considerable service. He did not wish to press the Government to move in that matter; but, at the same time, it must be recollected that it had always been urged by the Members for the City of Cork. He remembered that his late Friend, Mr. Ronayne, used to allude to it occasionally. He thought that if the Government would give an assurance that they would look into the matter, and see if a fairer proportion of the public money could be spent in Ireland, they might allow that Vote to pass unchallenged. Otherwise, he should certainly support the Amendment that his hon. Friend the Member for Queen's County (Mr. O'Connor) had proposed.

Question put.

The Committee *divided*:—Ayes 23; Noes 174: Majority 151.—(Div. List, No. 32.)

Original Question again proposed.

SIR H. DRUMMOND WOLFF said, that after the Vote was passed he hoped they would consent to report Progress, as they had been then sitting for nearly eight hours. ["No!"] An hon. Member called "No;" but if he had been sitting there all the evening, as they had been, he would be very glad to be relieved. There was a most important question coming presently—namely, pensions to naval officers and widows—and he, therefore, thought that if the present Vote was passed, the hon. Gentleman the Secretary to the Admiralty might very well report Progress.

MR. SHAW LEFEVRE said, there was no important question for the next two or three Votes. He must ask the Committee to take those, at any rate.

SIR H. DRUMMOND WOLFF said, the only Vote he objected to being taken was that of the pensions. Of course, he could not speak for anybody else; but, as far as he was concerned, he should be perfectly satisfied if they reported Progress when they reached that Vote.

MR. ORR EWING said, that of the money spent for Dockyards, and the different Departments, quite as large a sum was, he believed, spent in Ireland

as they were entitled to. He trusted that the Government would not yield to the unreasonable request of the Irish Members without taking into consideration the claims of Scotland.

MAJOR NOLAN said, he was bound to point out to the Committee that the Dockyards, especially the one at Portsmouth, were not carried on according to the requirements of economy. It appeared to him that, from a strategic point of view, they were making a sacrifice in confining their works to places such as that. He must say that he considered it a public disgrace that they in Ireland were treated in the way they were under those Estimates. Except in the case of a few coast-guard ships, no money was spent in that country. He should be very glad if the hon. Gentleman the Secretary to the Admiralty would have the courage to deal with that question.

Original Question put, and *agreed to*.

(9.) Motion made, and Question proposed.

"That a sum, not exceeding £56,363, be granted to Her Majesty, to complete the sum necessary to defray the Expense of Medicines, Medical Stores, &c., which will come in course of payment during the year ending on the 31st day of March, 1881."

SIR ANDREW LUSK said, there was an item in the Vote which he wished to criticize; but he should not make a long speech and detain the Committee. With regard to the expenses for carrying out the terms of the Contagious Diseases Acts, whatever was proposed for that purpose he should vote against, in accordance with what he had done in that matter for the last 10 or 12 years. He saw no reason for altering his conduct in regard to that matter. He begged to move that the Vote be reduced by the sum of £1,000.

Motion made, and Question proposed,

"That a sum, not exceeding £55,363, be granted to Her Majesty, to complete the sum necessary to defray the Expense of Medicines, Medical Stores, &c., which will come in course of payment during the year ending on the 31st day of March 1881."—(*Sir Andrew Lusk*.)

MR. SHAW LEFEVRE said, he thought it was hardly necessary to divide upon that occasion. A Committee had been appointed on that question; and he, therefore, thought that to

raise a discussion on that matter then would be inopportune.

SIR ANDREW LUSK said, that inasmuch as his hon. Friend the Secretary to the Admiralty had appealed to him to withdraw his Amendment he should certainly do so.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(10.) Motion made, and Question proposed,

"That a sum, not exceeding £6,938, be granted to Her Majesty, to complete the sum necessary to defray the Expense of Martial Law, &c., which will come in course of payment during the year ending on the 31st day of March 1881."

MR. FINIGAN said, he saw that under this Vote a very large sum was allowed to Protestant clergymen, while only the miserable sum of £26 was given to a Catholic priest. He was not an advocate for expending large sums of money on creeds; but as this money came equally out of the pockets of Protestants and Catholics as citizens, it was a very unjust thing that some persons should draw a large sum from the Estimates, while only the miserable pittance of £26 was given to a Catholic priest. Considering how late an hour they had now reached, he should beg to move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Finigan*.)

MR. SHAW LEFEVRE hoped the hon. Gentleman would not press his Motion. He presumed this money was given by a capitation grant in proportion to the number of Catholics in the hospital; and it must, therefore, be very satisfactory to the hon. Member to see that the amount required was small.

MR. FINIGAN said, he should prefer if the Government made the capitation grant elsewhere in the same way; but, for his part, he did not see why he should accept that explanation merely when it suited the convenience of the Government. He was asked to withdraw his Motion. If the hon. Gentleman would undertake to pay this Catholic priest fairly and a decent sum, he would be very happy to withdraw his Motion; but he could not accept this

Mr. Orr Ewing

simple explanation about the capitation grant.

MR. SHAW LEFEVRE promised to look into the matter to see that this gentleman was fairly paid in proportion to the work he performed. There was no wish, on the part of the Government, other than that everyone should be paid in proportion to the work performed. Probably the fact was that this gentleman had a very small number of prisoners to look after.

MR. DALY begged the hon. Gentleman to remember that the salary was less than that of an ordinary day-labourer. Surely no minister of religion ought to be paid such a pittance as this. The money was scarcely enough to pay him for merely walking to and fro. It was barely 10s. a-week, and that was not enough to pay anybody.

MR. SHAW LEFEVRE thought that it would turn out that the priest was doing duty in the town, and was only called upon occasionally to attend in the prison, and that he was, consequently, only paid for the services he performed.

MR. FINIGAN remarked, that he must, of course, do duty every Sunday in the year, and on 12 holidays in each year. That was barely 6s. each. Upon the understanding that the Secretary to the Admiralty would fairly consider this matter he should be very happy to withdraw his Motion.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(11.) £101,820, to complete the sum for Miscellaneous Services.

MR. ARTHUR O'CONNOR said, before this Vote was put, he should like to ask the hon. Gentleman whether anything was taken into account for the Botany Bay estates? Some time ago a British officer, acting without instructions and without any authority from his superiors, took upon himself to purchase an estate, because the owner of it was accused of murder, or something of that kind. The consequence was that the British authorities had been mixed up in unpleasant transactions from that day to this; and last year there was an item of £224 16s. 11d. taken in connection with expenses incidental to the working of that estate. He should like to know if there was any charge in the present Estimates on account of that es-

tate; and, if not, how the Government connection with it had terminated?

MR. SHAW LEFEVRE regretted that he could not answer the question; but he had heard nothing about the transaction, and he found no allusion to it in the Estimates. He supposed the money was entirely paid last year. He would make inquiry, and he hoped to be able to answer the question on the Report.

MR. ARTHUR O'CONNOR observed, that if there was no further charge on this behalf in the Vote he presumed the Government had parted with the estate. If it had done so, it must have realized some money, and that money ought to have been brought into the account for the year, or, at any rate, to have been entered as an extra receipt. Now, he looked in vain, in connection with these Estimates, for any indication on the part of the Government that they were in possession of such extra receipt. He could not trace any record of it; and he regretted that he was unable to ask the late First Lord of the Admiralty any question on the subject, because he surely would be able to throw some light upon it. But that was always the case in these Estimates. Whenever any question was put which went below the mere surface, the Government sheltered themselves under the very visible excuse that they had been a very short time in Office, and that they were merely carrying out the plans of their Predecessors. They could, consequently, give no explanation of these proposals. The consequence was that they were able to get no satisfaction out of them on many questions. He should certainly bring up the question again on the Report.

MR. GORST wished to point out that here, again, they had the item of Ascension Island in the shape of a contribution for recreation in the island. He supposed there was some sort of football club kept up there for the Kroomen. He rose to call attention to it, so that the Government might take that contribution also in consideration of their Return.

Vote agreed to.

Resolutions to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £617,367, be granted to Her Majesty, to complete the sum

necessary to defray the Expense of Half Pay, Reserved, and Retired Pay to Officers of the Navy and Marines, which will come in course of payment during the year ending on the 31st day of March 1881."

MR. ARTHUR O'CONNOR thought the Government would now hardly object to report Progress. It was 10 minutes past 1; and although some Gentlemen who came in at a late hour in the evening might not find this discussion hard work, those of them who had been at it for eight hours at a stretch, and had taken some trouble in going into the matter, did feel that they had been sufficiently long at it for one evening. He, therefore, begged to propose to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Arthur O'Connor.*)

MR. SHAW LEFEVRE said, he would agree to withdraw Vote 16, if there were any serious objection on it; but he had had no intimation of any serious objection to be urged, and he asked the Committee to proceed until they came to one that was objected to.

SIR H. DRUMMOND WOLFF hoped the course suggested by the hon. Gentleman would be acceded to.

SIR WALTER B. BARTTELOT thought they had really done enough work for one night; and he should, therefore, very cordially support a Motion to report Progress.

MR. SHAW LEFEVRE said, if there were really to be any discussion on the Vote he would at once report Progress; but, up to the present, he had seen no indication that it was objected to by anybody.

MR. ARTHUR O'CONNOR said, if the hon. Gentleman would look at the Comptroller and Auditor General's Report, he would see, at page 126, a question of such magnitude as would certainly induce him to report Progress, for it raised nothing more or less than the whole question of the audit of stores. It was one, too, which must be thoroughly thrashed out before they left the Committee.

MR. FINIGAN hoped the Motion would be pressed. He had some very awkward questions to ask upon that Vote. He wanted to know something about an unfortunate person called

Prince Leiningen, and he should certainly move that his half-pay as Rear Admiral should be discontinued, for he did not find that he did anything for the money; and the way in which his time was occupied ought certainly to be paid for by those who had the advantage of his service. He had also several questions to ask in relation to several other officers.

MR. SHAW LEFEVRE, after having heard those explanations, would certainly consent to report Progress.

Question put, and *agreed to.*

Resolutions to be reported *To-morrow*, at Two of the clock.

Committee also report Progress; to sit again upon *Wednesday.*

SUPPLY—REPORT.

Resolutions [June 25] *reported.*

MAJOR NOLAN said, he had asked a question on these Votes in regard to the convict establishments that were, or rather that ought to be, in County Galway. The Government were kind enough to promise that they would give him an answer on Report. The facts simply were that a Commission of Inquiry into the prisons of Ireland reported that a convict prison ought to be established in Galway where there was already a prison available for the purpose, and where convict labour might also be usefully employed. The late Government promised that they would carry that recommendation into effect, and would establish a convict prison. He would wish to know when the present Government would put the Resolution in force, as he did not suppose for a moment that they intended to throw over the terms of the late Resolution? He brought the matter forward in Committee of Supply, and the Government promised to give him some information on Report as to the time they would commence this transfer of convicts.

LORD FREDERICK CAVENDISH said, he had spoken to his right hon. Friend the Chief Secretary for Ireland on this subject, and he knew the right hon. Gentleman fully intended to be present there that night, and to make a statement on the subject. He supposed that the Report of Supply had

been taken a little earlier than was expected, and, therefore, he was not in the House; but his right hon. Friend had told him that he thought the question had much better be discussed when it arose on the Votes. And he was inclined to agree with him that that was certainly not the most convenient way of raising the whole question. With respect to a question put to him by the noble Lord opposite (Lord Randolph Churchill), he begged to state that the Endowed Schools Bill (Ireland) would stand over.

MAJOR NOLAN thought he had a right to complain. The Government promised to give him an answer on Report, and, therefore, he did not go into the question in Committee. He knew, of course, that it was an accident that the Chief Secretary for Ireland was not there; but, still, he thought he was entitled to an answer, and if the Government did not keep to arrangements which they made in this way, how could any trust be put in them? It was not at all a fair thing to say that the matter had better be discussed in Committee, when he had been promised an explanation on the Report, and it could scarcely be called fair and straightforward conduct.

Resolutions agreed to.

TAXES MANAGEMENT BILL.—[BILL 242.]

(*Lord Frederick Cavendish, Mr. John Holms.*)

SECOND READING.

Order for Second Reading read.

LORD FREDERICK CAVENDISH, in moving that the Bill be now read a second time, said, it was merely a measure of consolidation, brought in in consequence of the recommendation of the Statute Law Consolidation Commission, and its object was fully described in the Memorandum attached. He could not understand that there could be any objection to it; but, if there were any, it had much better be considered in Committee. There could not possibly be any objection to the principle of the Bill, which was to embody in one measure all the provisions of the law relating to taxes.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Lord Frederick Cavendish.*)

LORD RANDOLPH CHURCHILL said, they had a Bill of a similar kind before them the other evening, and the noble Lord the Secretary to the Treasury then told them it was merely a measure of consolidation; but, on examination, it was found that if it had been passed some of its clauses would have been directly opposed to the spirit of the Budget of the Prime Minister. Now the noble Lord brought in another Bill containing 120 clauses, which, he ventured to say, no single Member in that House had any knowledge of. ["Oh, oh!"] Well, he doubted very much whether the hon. Member who said that had ever seen the Bill before. It consolidated an enormous number of Acts, and he would like to ask whether this was a Bill for which the noble Lord was himself responsible, or whether he found it in the office when he came there? If the Bill had been brought up in the short time during which the present Government had been in Office, he should not like to take the noble Lord's assurance that it was merely a consolidation measure.

LORD FREDERICK CAVENDISH denied that he in any way misled the House in reference to the Spirits Bill. Certain provisions were inserted into it which were in accordance with the existing law, although they would be modified if a measure since introduced were carried. But it would have deceived the House had not those clauses been produced, because the Malt Tax was in existence at the time, and his measure only professed to be a consolidation of the existing law. He should state most positively that this was simply a consolidation Bill, with the exception of the alterations mentioned.

MR. GORST said, no answer had been given to the question whether the Bill was prepared by the present Government—[LORD FREDERICK CAVENDISH: Certainly not.]—or whether they found it in the office when they went there? If the Bill was prepared by the late Government, he thought they might have sufficient confidence in the measure to allow it to pass.

Motion agreed to.

Bill read a second time, and committed for Monday next.

**BIRTHS AND DEATHS REGISTRATION
(IRELAND) (re-committed) BILL.**

(*Mr. Meldon, Mr. Maurice Brooks, Mr. Errington.*)

[BILL 245.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MAJOR NOLAN said, he should like to know whether, by this Bill, any new fees were imposed on the people for births and deaths; and, also, whether under it any new charges were imposed on Poor Law Unions?

MR. M. BROOKS said, that having been in the Committee on the Bill he could answer the question. It was a Bill simply to assimilate the law in Ireland to that in England, and it would not impose any fees in consequence of the change.

MR. ERRINGTON said, he merely proposed to go into the Committee *pro forma*, and to sit again at a future day.

MAJOR NOLAN would like to have an answer to his question before the Bill went further, either from the Government or the hon. Member for Longford.

MR. ERRINGTON said, certain changes had been made in the Bill by which certain charges were increased; but other charges were so much diminished that the balance would be in favour of the alteration. He begged to move that the Committee report Progress.

Motion agreed to.

Committee report Progress; to sit again upon *Monday* next.

COMMON LAW PROCEDURE AND JUDICATURE ACTS AMENDMENT BILL.

(*Mr. Mellor, Mr. Gregory, Mr. Marriott.*)

[BILL 229.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 1 (Judge may order whole cause to be tried by a referee in certain cases).

MR. WARTON said, he objected to this Bill very much indeed, and he hoped it would not be proceeded with, because very few Members of the Legal Profession were now in the House, and his objection to the Bill was that the gentlemen who filled the position of

Official Referees were so thoroughly inefficient for the duties they had to perform that, so long as they were in office, he objected to their having extended powers. He was aware that their powers were very limited, owing to the construction given to certain Statutes, and that it was advisable that Official Referees conjointly should have the same power as Arbitrators; but, on the other hand, his objection was that three, at any rate, out of the four Referees were so inefficient that it was no use giving them any more power than they now possessed. He did not know whether he could move an Amendment that so long as the Official Referees were alive their powers should not be increased, because they were thoroughly inefficient.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he hoped the objection would not be pressed. The object of the Bill was to give a larger amount of duty to the Official Referees. The objection had been raised that, in consequence of the present rule, the Official Referees had not the power to settle arbitrations. The Bill was intended to remedy that defect, and gave the Referees that power. The Bill provided that the case should be referred to the Referees, and that they should perform certain duties. He protested against the idea that if those increased duties were thrown upon the gentlemen now in office as Official Referees they would not be properly performed; and, although on one occasion he had complained of the appointment of one of these gentlemen, he must say he had not heard any complaint of the manner in which they performed their duties. He did not think it right to indulge in criticism of so sweeping a character, unless it was backed up by some facts upon which they could rely. He believed that the Official Referees fulfilled their duties both to the satisfaction of the public and the suitors themselves. They would have a large amount of duty cast upon them. He trusted the hon. Member would allow the Bill to pass through Committee.

MR. WARTON said, he thought the Attorney General's memory was at fault. He believed these gentlemen had a very small amount of business referred to them long before it was found out that their powers were limited.

Clause agreed to.

Clause 2 (Procedure to be under Judicature Acts, 1873 to 1879).

Amendment proposed to insert the words,

"And the Court shall have the same power in regard to such trial entering on judgment as it has under Rule 36."—(*Mr. Mellor.*)

Amendment agreed to.

Clause agreed to.

Remaining clauses agreed to.

Bill reported; as amended, to be considered upon *Wednesday*.

PARLIAMENTARY OATHS AND AFFIRMATIONS BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law relating to Parliamentary Oaths and Affirmations.

Resolution reported:—Bill ordered to be brought in by Mr. LABOUCHERE, Mr. BURT, Mr. JOSEPH COWEN, Mr. DILLWYN, and Mr. MACDONALD.

Bill presented, and read the first time. [Bill 251.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, 29th June, 1880.

MINUTES.]—PUBLIC BILLS—First Reading—

Iale of Man (Loans) * (107); Local Government Provisional Orders (Abergavenny, &c.) * (108); Local Government Provisional Orders (Alnwick Union, &c.) * (109); Local Government Provisional Orders (Amsrham Union, &c.) * (110).

Committee—Report—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 2) * (93); Local Government Provisional Orders (Abingdon, &c.) * (96); Metropolitan Commons Supplemental * (96).

Report—Great Seal * (90); Universities of Oxford and Cambridge (Limited Tenures) * (91); Universities and College Estates Act Amendment * (92).

Third Reading—Local Government (Gas) Provisional Order * (87); Local Government (Highways) Provisional Order (Salop) * (88), and passed.

Royal Assent—Consolidated Fund (No. 1) [43 & 44 Vict. c. 3]; Glebe Loan Acts (Ireland) Amendment [43 & 44 Vict. c. 2]; Drainage and Improvement of Lands (Ireland) Provisional Order [43 & 44 Vict. c. xxxv.]

REPORTING IN THE HOUSE OF LORDS —REPORT OF SELECT COMMITTEE.

RESOLUTIONS.

EARL BEAUCHAMP said, it was with considerable reluctance and hesitation that he presented himself to their Lordships on that occasion in the character of a daring innovator, by moving the three Resolutions which he was about to submit; but he was consoled by the reflection that if those Resolutions were innovations, they, at any rate, had a great deal to recommend them for consideration. There could be no manner of doubt that, from various causes, there was general dissatisfaction with regard to the reporting in that House. He would not stop to inquire what the causes of that dissatisfaction were, for that was not material to his present purpose. One of them, perhaps, might be an inability or indisposition on the part of noble Lords to express themselves as loudly and as clearly as they might do. There was, on the other hand, a disposition on the part of other noble Lords to carry on the agreeable conversation which had, he believed, become a considerable part of the proceedings of that House, and there could be no doubt that that conversation very much interfered with that proper silence which should prevail if the reporters were to do justice to what was said. There was also another subject which involved very wide considerations, and that was the construction of the House itself, and the nature of its acoustic properties. Their Lordships were pleased to appoint, at the beginning of that Session, a Committee to inquire into the reporting of that House, and he (Earl Beauchamp) had had the honour to be appointed Chairman of that Committee. He was, in consequence of that, placed in a very difficult position. Some time ago he heard an anecdote of one of England's merchant princes who had raised himself to a very wealthy position from very simple beginnings. He was asked to explain the secret of his success, he replied that he had two rules, one of which was never to give advice, and the other never to take it. He (Earl Beauchamp) had been under the necessity during the last few weeks of receiving a great deal of advice, and he was now in the position of being obliged to give some to their

Lordships. Thus, he was forced to violate both the rules to which that merchant prince attributed his success in life, and his only excuse was that the advice he was about to give was of a very homœopathic character, and that the propositions which he had to make were merely tentative. He did not now ask their Lordships to agree to anything, except the trial of an experiment, and that experiment was of so simple a character that he really did think it deserved a trial. That his propositions would cure all the defects complained of he did not for one moment apprehend or believe; but he thought they might do much to remedy some of the inconveniences which interfered with the successful reporting of their debates. The 1st Resolution he had to propose was—

“(1.) That for the week beginning 5th July the Woolsack be placed at the north end of the House; that the Lord Chancellor do sit facing the Throne; that the cross benches be placed where the Woolsacks now are; and that all Standing Orders and Regulations inconsistent with the Motion be suspended while it is in force.”

One of the reasons which actuated the Committee in arriving at the conclusion—which they did unanimously—that such a plan was worth trial was that at the present moment, though their Lordships were in the habit, as they all were aware, of addressing the Whole House and not any one Peer in particular, yet that some of their Lordships, who had become accustomed to a different practice in the House of Commons, where every Member was bound to address the Chair—and in the House of Commons the Speaker's Gallery was immediately under the Reporters' Gallery, so that all speeches were addressed to that quarter of the House where reporters were stationed, and consequently they enjoyed necessarily great advantages in the way of hearing and reporting the remarks addressed to the Chairman—followed the practice they had learnt “elsewhere.” Of course, they were all well aware that the rule in that House was for their Lordships to speak to the Whole House. It was only those, perhaps, who had recently arrived from the House of Commons who retained the practice, which they derived from that Assembly, of addressing the noble and learned Lord on the Woolsack; but,

Earl Beauchamp

still, there were noble Lords who had contracted that habit, and he had no doubt that that way of turning from the Reporters' Gallery and to the Lord Chancellor had the effect of very much diminishing the chance which the reporters had of hearing what was said by those who spoke. If that was so, there was surely an obvious advantage in trying, so to speak, to draw all the speeches from the different noble Lords to one focus. If the noble and learned Lord's cushion were changed to the other end of the House, he (Earl Beauchamp) could not but think there would be a greater uniformity in the direction of the voice, and the habit in time might spring up of all the speakers turning themselves in that direction rather than in the other, or of addressing themselves to noble Lords opposite. Various suggestions had been made to the Committee; but he would not weary their Lordships by detailing them, as they did not approve themselves to the Committee. Something was said; but as the Committee satisfied themselves that such a plan was impossible, he only referred to the matter to show that the suggestion had received consideration, as to the possibility of stationing reporters in the chamber below the House. The experiments satisfied the Committee that that was quite impossible. Such a proceeding would not only seriously interfere with the ventilating arrangements of the House, which were so essential to their comfort and their health, but it was also found that there was this further difficulty—that while the speakers in various parts of the House were heard pretty easily in the chamber below, those noble lords who sat at the Table spoke from such a position that it brought the Table between them and those below, and rendered their speeches less capable of being heard than almost any others. It did so happen that most of the important speeches in that House were delivered either from the Bench at which he spoke, or from the Bench opposite, and, therefore, that scheme could not be entertained. One of the disadvantages of the present state of things was that though various schemes were proposed none of them had yet been tried, and until some of them had been subjected to the test of an experiment, it was very difficult for the Committee to tell what schemes they should

discard and what they should adopt. With regard to the 2nd and 3rd Resolutions which stood in his name, the estimate of the Board of Works showed that the cost would be not very large or extravagant in amount. His 2nd Resolution was—

“(2.) That it is expedient that a seat for one or two reporters be temporarily and inexpensively constructed in front of the present Gallery;”

and the cost of that was estimated at £35. It had been stated on very good authority that the reporters would benefit very much if they were slightly advanced in the manner proposed by that Resolution. The Committee took a quantity of evidence on that point, and there was a great difference of opinion; but it was only by an experiment that they could ascertain which opinion was the correct one. It was an experiment which must be tried, and tried whilst the House was sitting *ex hypothesi*. It was one inconvenience of that House that it had to serve a number of different purposes varying with the occasion. Sometimes it was called upon to accommodate some 200 or 300 Peers; while, at another, the debates were carried on by a very much smaller number. Then, again, it was necessary that the Room should be of sufficient size for those State occasions, such as the opening of Parliament, which occasionally occurred. Any alteration such as that proposed in 1868 was, therefore, beyond their consideration; and what they had to consider was how they could turn the accommodation of the present House to the best possible use. The information, in order to enable them to form that opinion, could only be obtained by the Resolution he had to submit. His 3rd Resolution was—

“(3.) That it is expedient that a platform be temporarily and inexpensively erected on either side of the House below the Bar, according to a plan prepared by Mr. G. M. Barry in 1868, for the better accommodation of the reporters now in the Gallery.”

That 3rd Resolution, if tried, would involve no further outlay than a sum of £20. These were the estimates of the Board of Works; and it was with a view to test these opinions that he begged their Lordships to agree to Resolutions allowing these experiments. It had been said that he proposed in his 1st Resolution

a very great change in their arrangements. He did not know that that was any very serious or valid argument, especially, as if the 1st Resolution were carried out, nothing besides the reversal of the noble and learned Lord's seat would be required. If the House of Commons was summoned to the Bar to hear the Royal Assent given to any Bills, or to receive any Message from the Crown, the Benches would be placed as usual, and the Royal Commissioners would be seated as now, on the Steps of the Throne. As far as the appearance of the House was concerned, therefore, the present arrangement would not seriously interfere with it; while he would remind their Lordships that such a change was not altogether new, because, when they sat for judicial purposes, the Lord Chancellor did not sit on the Woolsack, but occupied a seat at that end of the House. The shifting of the Benches would be a trifling matter, not worthy of consideration, if their Lordships should be satisfied that the experiment was worth trying. The advantages of the 1st proposition were, that if it were carried out they would converge in one focus the speeches of noble Lords, and that focus would be immediately under the Reporters' Gallery, thereby giving them a better chance than now of hearing the addresses that were made. He was not defending the practice, or saying whether it was right and proper, that noble Lords should address themselves to the noble and learned Lord on the Woolsack, for that was a matter of high policy into which he would be very unwilling to enter. He would only say that many noble Lords at present did turn that way, and that an advantage would follow from the alteration he recommended. A difficult problem was proposed to the Committee to solve, and they would be assisted in doing it by the very simple expedient of bringing the Lord Chancellor from one end of the House to the other. The noble and learned Lord himself, of course, would be in rather a different position in addressing their Lordships, for, instead of stepping from the place where he usually sat and then directly addressing himself to the House, he would have to take another position. But there was no reason why the Lord Chancellor should not speak from that Table just as much

as any other of Her Majesty's Ministers. He (Earl Beauchamp) did not for a moment maintain that he was proposing an heroic remedy; but he certainly did think his proposals would tend to mitigate some of the inconveniences complained of; and, at all events, it was an experiment worth trying which might succeed in doing something towards solving the question. He begged to move the 1st of the Resolutions which stood in his name.

Moved, That for the week beginning 5th July the woolsack be placed at the north end of the House; that the Lord Chancellor do sit facing the Throne; that the cross benches be placed where the woolsacks now are; and that all standing orders and regulations inconsistent with this motion be suspended while it is in force.—(*The Earl Beauchamp*.)

LORD DENMAN said, he had, when the Select Committee was appointed, stated that he had read all the evidence before the Committee of the House of Commons; but that was not reported, and one of the objections, in his opinion, to proceeding hastily was that the evidence taken before the Committee was not, at the present time, in the hands of their Lordships, and they had not, therefore, had an opportunity of forming an opinion on the facts which had induced the Committee to come to that conclusion. He, therefore, thought it would be far better for them to wait until they had seen that evidence, because the alteration proposed in the 1st Resolution was, to say the least of it, a grave innovation. If the proposal were carried out, the effect would be that when Her Majesty's faithful Commons came to that House, the noble and learned Lord on the Woolsack would turn his back upon them. After referring to the practice of the French Chamber of Deputies, where Members spoke from a place facilitating hearing, his Lordship was understood to say in conclusion that no one cared less about being reported than he did; but if his speeches were not worthy of a report, he wished that his name might be left out entirely.

THE DUKE OF SOMERSET said, he was very much surprised to hear that revolutionary proposal come from the other side of the House. It amounted to nothing less than that the noble and learned Lord on the Woolsack should be sent back to the Bar. He (the Duke of Somerset) did not see what advantage,

either, their Lordships would gain from the change; for really, with all respect to the noble and learned Lord, he had never noticed that noble Lords were in the habit of addressing him. It seemed to him that noble Lords usually addressed the opposite side of the House, and not the noble and learned Lord on the Woolsack. His Lordship was not in the position of Speaker, and did not maintain the Rules of the House as the Speaker of the House of Commons did. The Speaker of the House of Commons also named the person who was to be chosen to address the House, and was, therefore, Chairman in that sense; while they had no Chairman to control them, and had to get on as best they could—sometimes with a little confusion, sometimes the other way. Upon the whole, however, he thought they got on very well, and that it would be far better that they should "rather bear those ills we have, than fly to others that we know not of." If they really wanted to hear the speeches of noble Lords in that House, the best remedy would be to take the two centre Galleries, so that the reporters were in the middle of the House on each side of it, and would hear the speeches made across the Table; but the fact was, that very often it was very difficult, even for noble Lords, to hear speeches that were made in that House; while it might be that there were speeches in which the public did not take any particular interest, and the reporters, as representing that public, might not care about catching what was said on those occasions. They all had a great respect for the public, although it did not pay them much attention, and although they knew that, while the country disregarded their speeches, the House of Commons disregarded their votes. If the people and the other House took that line, it was not at all surprising that the reporters should sometimes be of the same opinion. For his part, he could not support this plan for turning the whole House topsy-turvy, and, at any rate, before it was attempted, he should like to know whether or not some other plan might not be adopted; or whether, at any rate, the Committee had considered any other plan. He did not think this proposal would be in consonance with the feelings of the House. It was certainly a great change, and, in his opinion, also, it was inadequate to

Earl Beauchamp

the purpose in view. He should beg to move the rejection of the Resolution.

LORD SUDELEY observed, that the noble Lord (Lord Denman) seemed to think that the Committee proposed this as a permanent change; but that was by no means so—all the Committee wished was to have one or two experiments tried, in order to see what the result was. There could be no doubt, whatever, that the accommodation for the reporters in that House at the present time was very bad indeed; and nobody who had heard the evidence before the Committee could be of any other opinion. The noble Duke (the Duke of Somerset) had declared himself very much surprised at the 1st Resolution, and he said that it would turn the whole House topsy-turvy. He also said that he did not think that Peers usually addressed themselves to the Lord Chancellor; but that, on the contrary, they addressed noble Lords opposite. The noble Duke, however, was himself a very good example of the incorrectness of his theory, for he was himself an instance of the practice to which he had referred. During the whole of his remarks he addressed himself directly to the Woolsack, and, in consequence, with his back to the Gallery; and, for his part, he (Lord Sudeley) doubted very much whether much of what the noble Duke said could be heard in the Gallery. It was perfectly true, of course, that their Lordships did not intentionally address the noble and learned Lord on the Woolsack; but it was, nevertheless, a fact, seeing him there, they did turn towards him. The evidence before the Committee had not been printed; but that was because the Committee was still sitting. Before that Committee, it was shown very clearly that when Peers spoke towards the Gallery they were heard very much better than when they addressed noble Lords opposite, or turned themselves towards the Lord Chancellor. It was stated in evidence before the Committee, only a fortnight ago, by one of the principal reporters in their Lordships' Gallery, that only a few weeks before a very important speech was delivered from the Treasury Bench, and, owing to the noise in the House, the noble Lord was so imperfectly heard, that the reporters actually waited until the reply was made, in

order to concoct from that reply the speech which the noble Lord delivered. The reporters occupied a very difficult position, and it was almost impossible for them, under the present circumstances, to do their work properly. The noble Duke seemed to think that there were other places where the reporters could be put; and there were many plans now before the Committee. There had been suggestions made that they should be put on both sides of the Gallery. But it had been shown that that could not be done, without some communication between the Galleries and the transcribing room—and which was difficult, almost impossible. He did hope that their Lordships would consent to try this experiment, and, perhaps, one or two others which the Committee might suggest to them, in order to test the reliability of the evidence submitted to the Committee. The Committee might, possibly, recommend official, or semi-official, reporting, and that question was also under consideration; but the point which the Committee were now endeavouring to try was whether the work of the newspaper reporters could be facilitated, and whether the acoustic properties of the House could be improved. He, therefore, sincerely hoped that the House would consent to try this experiment for a few days.

THE DUKE OF ARGYLL said, it was always ungracious to refer a thing of this sort to a Committee, and then not to take into careful consideration the recommendations of the noble Lords who consented to devote their time and attention to the matter submitted to them for their consideration. He understood, however, that there were *prima facie* objections to the course suggested, which, after all, might not be sufficient to outweigh the arguments submitted to them. From his own observation and experience, he had some doubts whether many noble Lords failed to be heard because they addressed the Lord Chancellor. He confessed that he had never observed that noble Lords did address the Lord Chancellor; and on that point he agreed very much with his noble Friend the noble Duke (the Duke of Somerset). He believed that they must admit the existence of the practical defect to which the noble Lord who had just sat down (Lord Sudeley) had alluded, when he said that noble Lords

were not heard, not because they addressed the Lord Chancellor, but because there was so much noise in the House that the reporters could hear nothing. As a fact, instead of the acoustic properties of the House being very bad, they were too good. When he used sometimes to sit in that House upon Appeals as a lay Lord, he was surprised to find that counsel addressing the noble and learned Lords at that time were admirably heard, even when they spoke almost in a whisper. Why was that? Why, because there was perfect silence—people were listening judicially. It was a judicial inquiry, and they were listening to everything that was said at the Bar. Under those circumstances counsel, speaking quite conversationally, were heard all over the House. The real truth was, that many noble Lords were not heard, because so many other noble Lords were talking to one another privately—all that conversation, of course, being equally well heard. He did not wish to object to any experiment the Committee might wish to try; but it was quite clear that the experiment could only refer to those noble Lords who addressed themselves to the Lord Chancellor. His own conviction was that they would never have good reporting in that House, so far as bad reporting was due to any want of hearing, until the reporters sat on one or the other side of the House. He heard a suggestion made two or three days ago—it might be impossible, but the suggestion was worth consideration—that the reporters might be placed in the thickness of the walls between the House and the Division Lobbies, where they would hear admirably and yet not be in the House. It seemed to him that that was better than to transfer the seat of the Lord Chancellor from one part of the House to another.

LORD BALFOUR OF BURLEIGH said, it did seem somewhat of an ungracious thing to object to any experiment which had been recommended or proposed for their convenience; but he ventured to think that, while the experiment described in the 1st Resolution would not serve the purpose, it was not matter for consideration. If the change in the seat of the Lord Chancellor was not possible permanently, he did not think it would be of any practical use to try the change merely as an experi-

ment. And he thought it was not possible permanently, because it would cause a great deal of inconvenience on many occasions, such as had been pointed out, when the Speaker of the House of Commons came to the Bar to hear the Royal Commission read; while, on Appeals or on other Law Business, the Lord Chancellor would be turned with his back towards the counsel; or other arrangements would have to be made for those particular occasions. It might be said that the whole arrangement would be very easily changed; but it would, nevertheless, take up some time; and, as their Lordships were aware, the House of Commons occasionally came to the Bar to hear the Royal Assent given during the sitting of the House. If the whole arrangements had been so changed, after the Royal Assent had been given, it would necessitate an adjournment of the House while the Woolsack was being transferred, and that would be fraught with much inconvenience, unaccompanied, as far as he could see, with any great advantage. Again, if this Resolution were carried and the alteration made, he should like to ask the noble Earl who moved it (Earl Beauchamp) for some further instructions. What was the House to do while this experiment was being carried out? If the Lord Chancellor and the Chairman of Committees were to sit at the other end of the House, and the Cross-Benches were to face them, there were still no directions how their Lordships themselves were to sit. It seemed to him another change would be rendered necessary, and he should like to ask what it was to be. It was within their Lordships' knowledge that they were divided in that House into two Parties—those who supported Her Majesty's Government, sitting on the right of the noble and learned Lord, and the Opposition, sitting on his left. It was, of course, obvious that if the position of the noble and learned Lord was changed, so the respective positions of the two Parties would also have to be changed. During the week that this experiment was being tried, were they then to cross over to the Benches on the opposite side from those on which they now sat? It was a mere matter of detail, but it was one on which the noble Earl had given them no instruction—and he should have added a recommendation as to their Lordships'

conduct while the experiment was being carried on. It was a mere objection in detail, of course, and it was, perhaps, premature to take it when it was not certain that the Resolution would be carried. As he had said, he did not believe this change could be of a permanent character. He did not, therefore, see any necessity for trying it for the period now recommended.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he could not agree to the proposition of the Committee, because it would alter the whole arrangements in so serious a manner as to create very great difficulty, and the Lord Chancellor would be put in a wrong position for the transaction of the Business of the House. It would also interfere with the transaction of other Business. He did not agree with the noble Lord (Lord Balfour of Burleigh) in his objection about the Commons, because, when the Speaker attended to hear the Royal Assent read, the Commission sat on the Bench in front of the Throne, and not on the Woolsack, and, therefore, the Commons would come in in just the same way as at present; but on occasions when the Commons brought them a Message—which were, it was true, rare; but still they did bring a Message occasionally—it would be very awkward for the Lord Chancellor to sit with his back to them. It was neither gracious nor pleasant that the Lord Chancellor should be turned with his back to the Speaker. Then, again, the Woolsack was open to Peers of Scotland and Ireland, on which they might sit; and if its position were changed, it would not be so convenient of approach for going in and coming out as when it was placed where it was now, in close contiguity to the Chamber in which they assembled. All these little things had some connection with the matter; but his great objection was that, being a very strong Conservative, he liked the House as it always had been, and he did not think it would improve in appearance if it were changed. There was no doubt that many noble Lords, particularly, if they had not strong voices, would do well, when they were addressing the House—particularly if they were not in a favourable position—to come to the Table. There was no earthly reason why they should not do that, and a good many did so already; particularly when

they spoke from the Cross-Benches, where they would be inaudible unless they took that course. That would be a great improvement. It would also be a great change if they paid a little more attention to Order. At present they were very much in the habit of speaking rather loudly to their neighbours, as though they did not care very much about the Business that was going on. As to this change, however, he must honestly confess that he could not give his consent to it. It would make alterations in a variety of ways, some of which he had stated. He did not quite understand what was to be done by putting up seats beyond the Gallery. Were two to be brought out, going more over the Bar? If that was found to answer, the whole Gallery might be brought more forward, and, no doubt, if that were done, it would very much improve the hearing. As to the proposed Gallery in the two corners below the Bar, it might easily be tried on one side, and the reporters would soon find whether they heard better in that position than in the Gallery; but if both sides were so occupied, Black Rod's seat would be taken away, and all the places open to ladies who were not Peeresses or Peers' daughters; and the arrangement appeared to him objectionable, and had better not be attempted.

LORD ORANMORE AND BROWNE asked if this was a complaint from the reporters that they could not hear during the debates? If that was the case, then some change ought to be made; but if, on the other hand, the public did not take that interest in their debates which he, as an humble Member of the House, could wish, and, consequently, they were not reported fully, he did not see the use of any change. He had very seldom seen a case where Members on the Front Benches had spoken, even when they did not speak so clearly as they might—which, of course, was a rare occurrence—where, by some miraculous art, they were not reported.

EARL BEAUCHAMP begged to say a few words in reply. The objection of the noble Lord (Lord Oranmore and Browne) went to the very root of the matter. The reporters did complain, and very strongly indeed. He was not prepared to say that there was not some truth in what the noble Lord had said—that the public did not take any very great interest in their debates;

but, still, there was no doubt that the reporters did complain very severely that they had not the means of hearing what was said. A rather entertaining kind of expedient that was resorted to by them had been mentioned by the noble Lord opposite (Lord Sudeley). A speech was not heard in the Gallery, and in order to show what the noble Lord must have said, the speech was composed from the allusions in subsequent speeches. They had had it in evidence, that not infrequently such an expedient was forced upon the reporters in order to supply what was wanted. If the proposition he made was one of a permanent character, they might entertain the objections of the noble Earl the Chairman of Committees. Another noble Lord (Lord Balfour of Burleigh) had evidently not even been present when the Royal Assent was given, for the Lord Chancellor did not occupy the Woolsack on that occasion; so that as regarded that particular ceremony, no difficulty would arise. No doubt, there would be some difficulty if, under unforeseen circumstances, a Message should be addressed to that House by the Commons; but such communications were very infrequent, for he had no recollection of any such Message having ever come up, and he did not think it was at all likely that one would come up during the next week, which was the time in which they proposed to try this experiment. They merely wanted to ascertain how far, and what grounds, there were for the belief that the removal of the seat of the Lord Chancellor would mitigate the difficulty. He had been asked what would happen to noble Lords on both sides of the House, and whether they were to cross over for that week? He did not think there would be any necessity for noble Lords on that side to crossover to the other this Session, though they could not tell what might happen during the next. He did not think there need, at present, be any such wholesale migration. Besides, he did not understand that the Supporters of the Government sat on the right hand of the Lord Chancellor, but that they were placed on the dexter hand of the Throne. With reference to the suggestions that the reporters should be placed in the centre Galleries and in the thickness of the walls, both of those propositions had been considered in Committee, and there were very serious

practical inconveniences in regard to both of them. In the first place, reporters on one side of the House would hear very little from noble Lords speaking on the same side; that would really involve the necessity, to obtain full reports, of having two reporting staffs in the place of one, and these would have to be provided with access to the transcript room. He did not say, if that was the only possible arrangement, that they might not be able to carry it out; but the change could not be made without great expense and inconvenience, and if the difficulty could be obviated by some such simple experiment as that he now advocated, he thought their Lordships would feel inclined to try it. The noble Lord (Lord Balfour of Burleigh), again, had said that Scotch and Irish Peers would be prevented from coming to the Woolsack; but he would put it to the House whether any number of Scotch or Irish Peers ever did take their seat on the Woolsack? They, certainly, constantly did take their seats on the Throne, and on the steps of it; but he had only seen one Irish Peer take his seat on the Woolsack. Such a contingency, therefore, was not likely to happen during the next week; while, if the arrangement became permanent, the Standing Orders and Regulations would have to be considered. All he asked, now, was that the Standing Orders should be suspended during the week that this change was in force. If it was found not to be necessary, nothing would be easier than to let the proposition drop, and then they would have gained their experience, and their minds would be clear for the consideration of other remedies; but when the change involved so trifling an alteration, he did hope their Lordships would agree to the recommendation which had been unanimously made to them by the Committee. If it should be found that their reasons for asking it were not sound, and that the alteration did not produce more advantageous reporting, even then their Lordships would have added to the stock of information on the subject to a considerable extent.

THE EARL OF HARDWICKE said, after hearing the debate on this proposition, he must consider it as the most extraordinary that he had ever heard with regard to the manners and customs of their Lordships' House. Upon one

point he wished to remark very strongly. This seemed to him a most irregular proceeding. A proposition was made upon a so-called Report of a Committee, which had never been presented to their Lordships. Reference had been made in the speeches to opinions and suggestions and proposals which had been made to the Committee, but of which their Lordships were at present utterly unaware.

THE EARL OF BEAUCHAMP: No, no! [Handing the noble Lord a Paper.]

THE EARL OF HARDWICKE said, he must apologize if he had said anything which was not correct; but he understood that the Report of a Committee was a voluminous document, and he could hardly suppose that the deliberations could be condensed into such short dimensions as that. Therefore, he did not think he was speaking inaccurately, when he said that he hoped noble Lords would not agree to this suggestion, until, at least, the Report of the Committee was laid upon the Table, and they had had time to consider it.

THE DUKE OF CAMBRIDGE considered that it was somewhat undignified of a great House like that to alter the position of its Chief Officer merely as a sort of trial. Surely, if an experiment were necessary, there were means of making it without this change in all the organization of the House. The experiment might be made by bringing in a number of people on Saturdays or days when the House was not sitting, and seeing the result of speaking in a proper voice, so that the speaker could be heard in the Gallery. If that was all that was wanted, it was surely not a dignified way for their Lordships themselves to be thus made the subjects of an experiment, and he hoped the suggestion would be well considered before it was adopted.

EARL GRANVILLE observed, that he entirely agreed with the observation of his noble Friend near him (the Duke of Argyll) that it was an ungracious act, after a Committee had devoted some time to the consideration of a question of this kind, at once to reject their propositions; but, at the same time, he thought there was much in what the noble Earl the Chairman of Committees had said. The noble Earl opposite (the Earl of Hardwicke) was mistaken in supposing there was no Report from the Committee. There was a Report, but there was no evidence. The House, in fact, were

quite ignorant of the propositions made to the Committee, and whether any information was obtained by them with regard to the reporting in other countries, and, generally, of the propositions made with regard to the alterations in the structure of the House. Under such circumstances, he should not advise his noble Friend opposite (Earl Beauchamp) to press his Motion to a vote. The noble Duke (the Duke of Cambridge) had just said that the experiment might be tried when the House was not sitting. If the experiment were to be tried at all, it ought to be tried under the fullest conditions; and he did not know that during the next week they were likely to have a very spirited attack on the Government, with the ex-Lord Chancellor, the ex-Prime Minister, and the late Foreign Secretary all away. He was not at all aware how, under those circumstances, they could have an animated debate which would fairly test the result of the speaking. He thought this complaint of the House was very much the fault of the speakers, because those who spoke out well, he thought, were well reported. He believed he could, when he paid attention to it, make himself heard, as some of his speeches were reported with great accuracy. He had nothing to complain of in regard to his own reports, although he often saw it stated that "Lord Granville was perfectly inaudible in the Gallery." It was very tempting to speak in a low voice across a narrow Table, to those whom the speaker was amusing. Some noble Lords did not hear very well, and began talking to one another. That example was followed by ladies and others at the Bar, who were immediately below the Reporters' Gallery; and that made it utterly impossible for them to struggle against the noise. He should be very sorry, indeed, to vote against a proposition made by the Committee, to whom they were exceedingly indebted for their labours in endeavouring to arrive at a satisfactory conclusion; but he, nevertheless, must advise his noble Friend not to divide on the Motion; and he would advise the Committee to renew their labours, and see if they could not make some proposition more agreeable than, he was afraid, this one was to their Lordships' House.

THE EARL OF CAMPERDOWN said, he had listened with very great interest

to this debate, and everyone must admit that the evil that had been submitted to the Committee had not been submitted to them without good and adequate cause. He had also had the advantage that day of contemplating the reporters in the Gallery, and if the reporters could be called before the House, he believed they would say that, with the exception of some remarks from the noble Duke, their powers of reporting could only be exercised by means of a resource on which they had very frequently to rely—namely, guess work. The noble Earl below him (Earl Granville) appeared to labour under the impression that he was generally heard, or could be heard, in the Reporters' Gallery. That was certainly not what the reporters had said to the Committee, or what the real fact was, for more than one reporter had particularly mentioned the difficulty of hearing the remarks of the noble Earl, and, of course, by not hearing them, the reporters first, and then the public outside, suffered serious loss. He was rather inclined to doubt whether the House was really in favour of the remedy which was now proposed; but there certainly was another which was in their own hands to exercise, which was not difficult, not revolutionary, and did not involve moving his noble and learned Friend for one-tenth of a second to the other end of the House, while it would be very effectual, because it would go to the root of the evil. There could be no doubt that the main cause of the present inability on the part of the reporters to hear was chiefly due to the disorderly proceedings, if he might call them so, which took place behind the Woolsack, and in that part of the building not in the House, such as the space behind the Bar. The noble Marquess (the Marquess of Salisbury), who he regretted to say was not present, in giving evidence to the Committee, described to them with perfect accuracy and in words which, of course, as they came from the noble Marquess, put the question far more clearer than any words of his could do, that that was a part of the House to which everybody went who had any business to transact. He was asked if he meant the Peers who had admission to the House, and he said not at all; that they must know just as well as he did that anybody came there. For his part, he thought that if the Rules of

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the House with regard to persons below the Throne were observed, there would be much more silence in those parts of the House, and below the Bar, and the reporters would be able to hear much better than at present. He did not know what course his noble Friend would take as to the 1st Resolution; but, even if he abandoned that, he did hope that he would not drop the two which followed.

VISCOUNT CRANBROOK observed, that it would be very undesirable to try the experiment, and he did not suppose the noble Earl (Earl Beauchamp) would divide on it, as nobody had said a word in its favour. For his part, he believed that the trial of the experiment for a week only would be useless, for during that time they would be so astonished to see the noble and learned Lord at that end of the House that they would turn towards him. But he quite agreed with what had just been said, that the noble Earl might press his other two Resolutions, which were merely small experiments for testing the acoustic properties of the House. The Report put before them did allude strongly to the difficulty of obtaining satisfactory evidence on the subject with which the Committee was engaged. They might surely, at the expense of £40 or £50, allow the Committee to make these two other experiments.

EARL BEAUCHAMP said, he would not trouble the House as to the 1st Resolution.

Resolution, by leave of the House, *withdrawn*.

EARL BEAUCHAMP said, he now begged to move his 2nd and 3rd Resolutions.

Moved to resolve,

That it is expedient that a seat for one or two reporters be temporarily and inexpensively constructed in front of the present gallery:

That it is expedient that a platform be temporarily and inexpensively erected on either side of the House below the Bar according to a plan prepared by Mr. G. M. Barry in 1868 for the better accommodation of the reporters now in the gallery.—(*The Earl Beauchamp*.)

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he merely wished to make one remark. If these Galleries were to be erected, where were the ladies to come in? It was rather a

strong thing to take away all their seats.

EARL BEAUCHAMP replied, that it was only proposed to try this plan tentatively; and if anything was to be done to remedy these defective arrangements, they must not mind a little inconvenience of that kind. If, of course, the House determined to do nothing, then nothing could be done. But if any alteration was to be made, and any improvement arrived at, it could not be obtained without some corresponding sacrifice on the part of somebody or other.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) objected further, that there would be no place for Black Rod, as his seat would be moved away. He thought the plan might be tried on one side of the House only.

LORD DENMAN (who was very imperfectly heard) was understood to suggest that the difficulty might be got over altogether by handing over the reporting to an agency. The House, also, ought to have the power of excluding any reporter who made their Lordships say what they did not say. There ought not to be what Lord Brougham called a "mendacity licence." He had, in 1856, alluded to the speech of the Earl of Albermarle, who had said that nothing was known of the affairs of India but what "the gentlemen behind the clock" might choose to report, and he thought that truth was the principal thing to be studied in reports, however brief.

On Question? Resolutions *agreed to*.

STATE OF IRELAND—SERVICE OF PROCESS—THE CONSTABULARY.

QUESTION. OBSERVATIONS.

LORD ORANMORE AND BROWNE, in asking Her Majesty's Government, What orders are issued to the Royal Irish Constabulary when sent out to protect persons in exercise of their legal rights; and, whether, in consequence of the disturbed state of Ireland, they intend to introduce a measure to allow substitution of service in case of all notices of ejectments, civil bill processes, &c.?—said, he did not ask the Question as an attack upon the present Government, because some of the facts to which he would refer had occurred in the time of the last Government. In reference to

the first part of his Question, the maintenance of peace and order in Ireland depended, he was sorry to say, upon the action of the Police Force, and all must be perfectly aware how difficult it was for that Force to act if they did not know how far they ought to go. He would not refer to the present sudden change in the policy of Her Majesty's Government from that which they announced at the beginning of the Session in what they were now proposing, but he thought it must tend to increase lawlessness; because, whatever might be the motive, there was no doubt that the result would be that the yielding to the demands made by a Party whose demands were almost unlimited in the way of revolution and disorder, would tend to make those people more than ever inclined to evade the obligations of law and order. He would give their Lordships an instance of what, unfortunately, so frequently occurred in Ireland. The process-servers were protected by considerable bodies of police, and he knew one instance where a process-server was attacked by a number of women and children who got hold of the process-server, ill-used him, and took the processes away from him, the police retiring without doing anything. Now, there were plenty of instances of rowdy women in St. Giles' with whom the English police had to deal, and they were always able to preserve peace and order. If proper instructions were given to the Irish police, he could not help thinking that the rowdy women of Ireland could be equally properly dealt with. The people thought they could act as they liked, perfectly irrespective of the police, and it also had the effect on the police themselves of demoralizing them if they were not allowed to use proper means to repel force by force. In support of this, he should like to refer to the case of Mr. Acheson, which occurred the other day. The police went to protect him in the exercise of his undoubted legal right. A great mob assembled, several shots were fired, and the police were mobbed. The police, instead of using their side or firearms to protect Mr. Acheson, put their arms around him. The people tried to thrust at him with pitchforks; and that gentleman, not trusting to the police, ran away. Mr. Acheson was pursued; he was out-run. He turned in self-defence, and,

unfortunately, shot a man. What happened? The people stopped almost immediately, and there was no difficulty, after the man was killed, in protecting Mr. Acheson. He (Lord Oranmore and Browne) believed the police came up again afterwards. He believed that if the people had thought that the police could do their duty in protecting Mr. Acheson, that life would never have been lost. But there was no doubt that where the police were sent to protect persons in the exercise of their civil rights, the oftener they were defeated the more the country people would believe that they were instructed not to use the arms that were put into their hands, and they would say that it was all a sham. If the same course was continued from day to day, it would be more and more impossible for the law to be carried out at all in Ireland. He was told that in his own neighbourhood, within the last few months, one process-server had resigned or been turned off after another, because, from the treatment the former process-servers had received, they were afraid to fulfil their duties. With regard to the second part of the Question, it was a most important matter, and the suggestion contained in it came from one of the many Land Judges in Ireland. It was now possible to substitute service of process by posting up the notices upon certain market-places or chapels, subject to the previous sanction of the Assistant Barrister. However, a short Act of Parliament might be passed to enable all processes to be served through the Post Office, subject to the approbation of the Assistant Barrister. At any rate, something more than mere words from the Government were necessary to enable the authorities to enforce the law in Ireland.

EARL GRANVILLE regretted that, owing to the short Notice which the noble Lord (Lord Oranmore and Browne) had given of his intention of bringing the subject forward that evening, the noble Lord the President of the Council (Earl Spencer), who usually answered Questions of this nature, was not present to reply to the one under Notice. He (Earl Granville) would, however, endeavour to answer it in his absence. With regard to the first part of the noble Lord's Question, he had to state that there had not been sufficient time

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since the Notice had been given to communicate with Dublin and to obtain the information which the noble Lord asked for. With regard to the second part, he had to state that he was not aware that it was the intention of Her Majesty's Government to introduce any new Bill on the subject this Session. He believed it was the fact that, under the Civil Bill Courts Act, 16 & 17 *Vict.* the 17th clause taken in connection with the 65th clause, did very much to remedy that which the noble Lord desired to see remedied, and he (Earl Granville) did not know himself why it had not more frequently been put into practice. He could only repeat what had been so often said before, that Her Majesty's Government were determined to enforce the law as it existed.

VISCOUNT SHERBROOKE pointed out that certain processes could now be sent through the Post Office, and asked why they should not make this system compulsory, and then a stop would probably be put to these proceedings? If the processes were sent through the Post Office, they would not require the assistance of process-servers. He hoped that the Government would consider the subject.

House adjourned at a quarter before
Seven o'clock, till To-morrow,
Eleven o'clock.

HOUSE OF COMMONS.

Tuesday, 29th June, 1880.

The House met at Two of the Clock.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [June 28] reported.

PRIVATE BILLS (by Order)—Second Reading—Filey Harbour*; Rathmines and Rathgar Township Water.

PUBLIC BILLS—Second Reading—Local Government Provisional Order (Poor Law) (No. 2)* [243]; Public Health (Scotland) Provisional Order (Blantyre)* [233]; Compensation for Disturbance (Ireland) [232], debate adjourned.

Referred to Committee of Selection—Inclosure Provisional Order (Llanfair Hills)* [216].

Report—Local Government Provisional Orders (Bethesda, &c.)* [128]; Local Government Provisional Orders (Ashford, &c.)* [123]; Local Government (Ireland) Provisional Orders (Banbridge, &c.)* [201]; Tramways Orders Confirmation (No. 1)* [173]; Tramways Orders Confirmation (No. 2)* [174].

Third Reading—County Bridges* [226], and passed.

PRIVATE BUSINESS.

RATHMINES AND RATHGAR TOWNSHIP WATER BILL. [*Lords.*] (*by Order.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. M. BROOKS, in rising to move that the Bill be read a second time upon that day three months, said, he wished to offer a few observations to the House. The township of Rathmines and Rathgar embraced a very large and flourishing district in the immediate neighbourhood of the City of Dublin. The promoters of the present Bill proposed to obtain an independent supply of water, the present supply being professedly inadequate and impure. It was proposed to do this at the cost of about £100,000, and he opposed their being allowed to obtain the powers asked for, because the City of Dublin already possessed a scheme called the "Vartry Water Scheme," which was admitted to be the finest and best public supply of water that existed anywhere in the world. Now, this water supply lay at the very door of Rathmines and Rathgar, and there were no engineering difficulties to prevent them from participating in the Vartry supply. But there was a fear on the part of Rathmines and Rathgar, that if they obtained their supply of water from the Dublin source, the feeling at present existing in the public mind that Rathmines and Rathgar with the surrounding townships should be amalgamated with the City of Dublin would be thereby encouraged, and that eventually the amalgamation would be carried out, greatly to the advantage of the City of Dublin as well as to the advantage of Rathmines and Rathgar. He ought to remind the House that there was at present, and had been for some years, a Royal Commission sitting in Dublin for the purpose of inquiring into the propriety of re-adjusting the boundaries of several of the districts adjacent to the borough. That Commission was about to present its Report, and there was little doubt that the Commissioners would recommend that the townships adjoining the City should be

amalgamated with the City. It was thought that the proposed amalgamation would endanger the existing form of local self-government, and bring all the local bodies now independent of the Corporation of Dublin and of each other, into general co-operation. That was, as far as he could understand, the only objection the Commissioners of Rathmines and Rathgar had to obtaining their water supply from the same source as that of Dublin. Undoubtedly, if this scheme was rejected, the present injustice in the rating of the borough and of Rathmines would shortly be removed, and Rathmines would have to pay more in the shape of taxes, while Dublin would pay so much less, and the inequality that now existed would be remedied. With regard to the present condition of the water supply of Rathmines and Rathgar, he must mention that the Government supplied the barracks within the township of Rathmines and Rathgar with Vartry water at a cost of £500 a-year, and every penny of that sum was in alleviation of the taxes of Dublin. In regard to the rate at which the water ought to be supplied by Dublin there need be no difficulty, because the Corporation of the City of Dublin were not unwilling, but, on the contrary, were most anxious to remit the question of the rates of payment to arbitration. Upon these grounds, he begged to move the rejection of the Bill.

Amendment proposed, "to leave out the word 'now,' and at the end of the Question to add "upon this day three months."—(*Mr. M. Brooks.*)

Question proposed, that the word "now" stand part of the Question.

MR. FINDLATER supported the second reading of the Bill, and said he believed that it received the approval of a large portion of the ratepayers of Rathmines, who were not in favour of the proposal now made on the part of the Corporation of Dublin. They had every confidence in the Commissioners that they would do their best for the benefit of the ratepayers, and they thought this was an unfair attempt, before the Bill was submitted to the investigation of a Committee—an unfair attempt by a piece of sharp practice of this kind—to throw out a Bill that would be useful and valuable to the inhabitants of Rathmines and Rathgar. He

thought the Corporation of Dublin had precluded themselves from coming forward on the present occasion, because, by the Act obtained by them in 1874, they prevented the Commissioners of Rathmines from compulsorily demanding to be supplied with water from the Vartry Waterworks. In 1877 they entered into negotiations with the Commissioners of Rathmines for the purpose of supplying water, and, after the negotiations were concluded and an agreement come to, it was repudiated by certain members of the Corporation, and was not in the end carried out. Their own rival scheme, which they had promoted here, had now been rejected, and they were actually trying to set up this agreement again. It was quite impossible, in a Sitting of the House like the present, to go into the merits of the question in the same satisfactory manner as would be the case if the matter were gone into by a Special Committee. They could rely much better upon the Report of a Committee appointed by the House to examine and investigate the matter. There could be no question whatever of surprise. All the facts stated by the hon. Member for Dublin (Mr. M. Brooks) had been stated before the Committee, and it was most unusual to attempt to throw out a valuable Bill of this kind in this manner.

MR. RODWELL hoped to be permitted to say a word or two upon the matter. He did not propose to go into the merits of the case; but he believed it was a Bill which had already occupied the attention of the House of Lords for seven days when a competing scheme was brought forward in opposition to it, and that, after those seven days' investigation, the present scheme was passed. He need not remind the House that it was a very unusual course to oppose a Bill on the second reading, and especially under such circumstances as these. The fact of its having occupied so long a time must, he thought, satisfy the House that it was a Bill that required more consideration to be given to it before they committed themselves to a proposal for throwing out the Bill on the second reading. He thought his hon. Friend the Member for Dublin (Mr. M. Brooks) had not explained the whole facts of the case to the House. It did seem to him (Mr. Rodwell), that the fact of the circumstances having already been so well and

so thoroughly discussed, and that this scheme had in the end been preferred by the Committee of the House of Lords, were reasons why the House of Commons should send it to a Select Committee, and why they should not dispose of it in the summary way suggested by the hon. Member for Dublin. According to a statement which had been placed in his hands, there was a population of 25,000 persons already waiting for a supply of water. The Corporation of the City of Dublin had not agreed to supply them with water, but had actually excluded this very spot from a former arrangement they had entered into with Parliament; while, at the same time, they bound themselves not to oppose any future Bill for supplying Rathmines and Rathgar with water. Under these circumstances, he must oppose the proposition of the hon. Member for Dublin, who represented the Corporation of Dublin. Such a proposal did not come from them with good grace. He trusted that the House would permit the Bill to be read a second time, in order that it might be disposed of in the usual way.

MR. LITTON supported the second reading of the Bill. He concurred with the hon. and learned Member for Cambridgeshire (Mr. Rodwell), that it was a very unusual course to throw out a Bill of this description upon the second reading. The hon. Member for Dublin (Mr. M. Brooks) seemed to forget that the opponents of the Bill had already had an opportunity of pressing their objections upon the Committee of the House of Lords, and of showing why the Bill should not be passed. That being so, the course now taken by the hon. Member was a most inconvenient one. The hon. Member came down to the House, and on the second reading of the Bill, in a short statement of a few moments, asked the House to undo and set at naught all the labours of the Committee of the House of Lords who had had the Bill before them for several days. The whole course of procedure connected with Private Bills was already beset with great difficulties, and those difficulties would become intolerable if a proceeding of this kind were to be sanctioned. He, therefore, asked the House not to accede to the suggestion which had been made by the hon. Member for Dublin; but if the hon. Member thought he had

Mr. Findlater

a case against the Bill, let him take such steps as would enable the opponents of the measure to state before a Select Committee of the House those objections which had already been held untenable by a Committee of the House of Lords. On that ground, he supported the second reading of the Bill, and he asked the House to reject the Amendment of the hon. Member for Dublin.

LORD RANDOLPH CHURCHILL, having had some acquaintance with the water supply of Dublin, rose to support his hon. Friend the Member for Dublin (Mr. M. Brooks) in the Motion which he had submitted to the House. That was, undoubtedly, a very strong case, and the very fact, that the hon. and learned Member for Cambridgeshire (Mr. Rodwell) had brought forward as an argument, that it was subjected to a seven days' investigation by a Committee of the House of Lords, proved nothing beyond the extreme injustice and inconvenience of submitting Irish local questions to the consideration of a Committee who could have practically no acquaintance with the facts of the case. The facts of the case were these. The sanitary state of Dublin was about as bad as the sanitary state of any town in the United Kingdom. Continual efforts had been made by various Government Boards to improve the sanitary state of Dublin; but if there was one thing more than another which was absolutely perfect in connection with the sanitary arrangements of Dublin it was the water supply, which was quite as perfect as the celebrated Croton water supply of New York. That water supply was obtained at immense cost by the City of Dublin, 25 or 30 years ago, and the pipes absolutely passed through the township of Rathmines and Rathgar. Yet, the township refused to avail itself of the supply, and preferred to go in for an entirely new scheme for obtaining water from some other source, altogether competing with this great public work carried out by the Corporation of Dublin some years ago. In no case could Rathmines and Rathgar get a better supply of water. The Corporation of Dublin had offered to supply water on reasonable terms, and it passed absolutely through the township. Under those circumstances, he did not think it was right to allow schemes of that kind to be brought forward in that haphazard manner. And the matter was

one of such extreme importance, that he hoped the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) or the right hon. Gentleman the Chief Secretary for Ireland himself would explain their views of the case.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he was of opinion that it would be an exceedingly inconvenient and, to borrow the expression of the noble Lord, a haphazard course to throw out a Bill which had been so fully considered by the House of Lords, without allowing it to be at least re-examined by a Select Committee upstairs. The case was simply this. A corporate body—the Commissioners of Rathmines township—proposed to supply themselves with water. He would not say one word against the excellent character of the supply of water afforded by Dublin. Everyone agreed that the Vartry water was excellent; but it could hardly be maintained that, because Dublin had a good supply of water, therefore the people of Rathmines should not have the privilege of supplying themselves with other water equally good. He certainly could see no reason why the House should compel the Rathmines people to take the Vartry water from the Corporation of Dublin, if they thought they could get a better and cheaper supply elsewhere. Besides, there was a clause in the Dublin Water Act of 1874, to which attention had already been called by the hon. and learned Member for Cambridgeshire (Mr. Rodwell), and which, with the permission of the House, he (Mr. Law) would now read. In that year the Corporation of Dublin sought to extend their waterworks; but, finding the original scheme too costly, they reduced it by specially excluding Rathmines and certain other districts from their operations, and inserted in their Act clauses which prevented the people of Rathmines and the other excluded districts from participating in the supply of water so authorized to be provided. The clause then proceeded in these terms—

“Provided always, that the Corporation shall not hereafter have power to oppose any person, company, or incorporated body seeking Parliamentary power to obtain a water supply for any place or district excluded hereby.”

He (Mr. Law) thought it would be very unjust if the House were now, at the

instance of the hon. Member for the City of Dublin, and in the summary manner he suggested, to preclude all further consideration of the merits of the Bill.

MR. A. M. SULLIVAN remarked, that the clause just read by the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) had had the effect of preventing the full merits of this measure from being gone into by the House of Lords. He agreed that the House of Commons ought very rarely to interfere with the passing of a Private Bill at this stage. Nothing but very exceptional circumstances would justify such a course of procedure. There were, however, exceptional circumstances in this case. The Boundary Commission was about to Report on the question of extending the boundaries of the Borough of Dublin, and what was now called the City of Dublin would then be so enlarged as to take in all the parasitical townships which had grown up around the old Principality of Dublin. It would be most mischievous, therefore, if they were to allow a number of these small independent schemes for the supply of water to grow up, instead of having them all under a complete sanatorial system of water supply. The noble Lord below him, the Member for Woodstock (Lord Randolph Churchill), was personally acquainted with the City of Dublin, and he thanked the noble Lord for the interest he took in the affairs of the people of Dublin. The noble Lord was fully aware that if this scheme were sanctioned, nothing but mischief could accrue in regard to future plans which the House would undoubtedly have before it for the better municipal government of Dublin. It would be disastrous to sanction Bills like this, constituting new vested interests—little petty interests altogether independent of the City of Dublin—instead of giving the chance of creating some few months hence, when the Report of the Boundary Commission was presented, a scheme of water supply that would be worthy of the great Corporation of Dublin. It was upon that ground that he would give his vote in favour of the Amendment, although he quite agreed that the House ought not to interfere with the second reading of a Private Bill except under very exceptional circumstances.

The Attorney General for Ireland

MR. LYON PLAYFAIR said, the hon. and learned Member for Meath (Mr. A. M. Sullivan) had based his opposition to the Bill chiefly on the ground that the Report of the Boundary Commission would come out at some future time. He (Mr. Lyon Playfair) wished to remind the hon. and learned Member that if the boundaries of the City of Dublin had to be enlarged it must be by an Act of Parliament, and that the worst that could happen under the circumstances would be that the township of Rathmines, having obtained a supply of water otherwise than from the Vartry river, would have a *locus standi* to represent its own interests on this Bill being committed. He did not think that that was a ground for preventing the Bill from going upstairs. Let the House see in what position the Bill was. It had already passed through a careful examination by the House of Lords, and had only been passed after seven days sitting, and a thorough investigation of the merits of the Dodder water. The Vartry water was also fairly before the Committee of the House of Lords, and both sources of supply were considered on their merits. The Vartry water was very good; but the Dodder water was exceedingly good also. It came from a Silurian district, and was very pure water. He thought, when the House of Lords had spent seven days in examining into the merits of the scheme, and had rejected one Bill in preference to another, and sent it down for consideration in the House of Commons, it should require a very strong case indeed to refuse permission for it to be sent upstairs. He held in his hand a Petition from the Corporation of Dublin against the Bill, and in that Petition the Corporation did not say one word about the Boundary Commission. They petitioned simply to be heard against the Bill, on its merits, in the ordinary form, when the Bill got upstairs. Under these circumstances, he thought the House should take the usual course of giving the Bill a second reading, and then they would have the Corporation of Dublin and any other person who could establish a *locus standi* to represent their case, when the Committee would carefully hear it, and give as much consideration to it as the Committee of the House of Lords had done.

MR. M. BROOKS said, that in consequence of what had fallen from the

right hon. Gentleman the Chairman of Committees, he thought he ought to be content with the discussion which had taken place, and that the further investigation of the Bill should take place before the Select Committee. He would, therefore, with the leave of the House, withdraw the Amendment he had moved for the rejection of the Bill.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time and *committed*.

CONTROVERTED ELECTIONS.

MR. SPEAKER informed the House, that he had received from Mr. Baron Pollock and Mr. Justice Hawkins, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the Election for the Borough of Tewkesbury.

And the same were read, as followeth:—

TEWKESBURY ELECTION.

Westminster Hall,

June 28th, 1880.

We, Sir Charles Edward Pollock, knight, one of the Barons of the Court of Exchequer, and Sir Henry Hawkins, knight, one of the Justices of the High Court of Justice, two of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of The Parliamentary Elections Act, 1868, and The Parliamentary Elections and Corrupt Practices Act, 1880, certify that upon the 17th day of June instant (1880), and the day following, we duly held a Court at Gloucester, in the county of Gloucester, for the trial of, and did try, the Election Petition for the Borough of Tewkesbury, in the said County of Gloucester, between Thomas Collins, Henry Browett, Frederick Blanchard Sellors, and George Allard, Petitioners; and William Edwin Price, Respondent.

And, in further pursuance of the said Acts, We certify that at the conclusion of the said trial we determined that the said William Edwin Price, being the Member whose Election and Return were complained of in the said Petition, was not duly elected and returned, and we do hereby certify in writing such our determination to you.

And whereas charges were made in the said Petition of corrupt practices having been committed at the said Election, we, in further pursuance of the said Act, report as follows:—

That no corrupt practice was proved to have been committed by or with the consent or knowledge of either of the Candidates at the said Election.

And we further report, in pursuance of the said Acts, that upon the trial of the said Petition the persons who were proved to have been

guilty of corrupt practices are:—Ebenezer Lugg, Samuel Jones, and Alfred Ricketts.

And, in further pursuance of the said Acts, we report that on the evidence before us, to which we have strictly confined our attention, we have no reason to believe that corrupt practices extensively prevailed at the Election to which the Petition relates.

C. E. POLLOCK.
H. HAWKINS.

To the Right Honble.

The Speaker of the House of Commons.

And the said Certificate and Report were ordered to be entered in the Journals of this House.

QUESTIONS.

PARLIAMENTARY AFFIRMATION (MR. BRADLAUGH).

NOTICE OF AMENDMENT TO MOTION.

SIR STAFFORD NORTHCOTE: I beg to give Notice that when the Prime Minister makes the Motion of which he gave Notice last night, I shall move, as an Amendment—

“That this House cannot adopt a Resolution which virtually rescinds the Resolution passed by it on the 22nd day of June last.”

MR. GORST gave Notice that before the Prime Minister should move his Resolution on Mr. Bradlaugh's case, he would put it to the Speaker as a Question of Order, Whether such a Resolution can be put to the House, as raising substantially the same question as one on which the judgment of the House has been already expressed in the current Session?

MINES REGULATION ACT, 1872—THE BLACK LAKE COLLIERY EXPLOSION.

MR. MACDONALD asked the Secretary of State for the Home Department, If his attention has been directed to the account of an explosion which appeared in the “Birmingham Weekly Post,” which occurred in the Black Lake Colliery, Swan village, Staffordshire, on the 7th instant, whereby the manager J. R. Cooksey and several other persons were severely burned; if it be correct that the manager took those persons into the mine along with him before it had been examined as to whether it was safe or not; if the manager holds a Government certificate of competency; and, whether he will direct or instruct a legal gentleman to attend the inquest on behalf of the State?

SIR WILLIAM HARCOURT, in reply, said, that in consequence of the hon. Member's Question he had communicated with Mr. Baker, the Inspector, who informed him that Mr. J. R. Cooksey, the manager, held a certificate of competency since February, 1875, and that until recently he had been certificated manager of a colliery at Wednesbury. Secondly, it was not correct that the manager had taken the men into the mine along with him before it had been examined as to whether it was safe or not. On the contrary, the mine had been examined and reported safe before the men went to work. Immediately after the explosion two men descended, and they stated that they found two safety lamps unscrewed, in which case, if correct, it would not be difficult to account for the explosion. He would make further inquiries, and ascertain if it would be necessary to send anyone to represent the Government at the inquest.

METEOROLOGICAL REPORTS.

MR. A. M. SULLIVAN asked the Secretary to the Treasury, Whether, considering that the cost of telegraphing from London has been assigned as the reason against free transmission and publication of the meteorological reports and forecasts to the ports and fishing stations throughout the Kingdom, he will direct that the useful important information in question be promptly and freely made public in London, so that all who may desire to use it or telegraph it throughout the Kingdom may do so? He might add that the Chamber of Agriculture was desirous of having the information telegraphed to inland stations with a view to harvest prospects.

LORD FREDERICK CAVENDISH: Sir, I have to state in answer to the Question of the hon. and learned Member, that the information to which his Question refers is already, to a great extent, made public in London. The forecasts are prepared at 11 a.m. at the Meteorological Office. Forecasts are also prepared at 2.30 p.m. They are sent out by special messengers and posted at stations free of charge. Among other places, at both Houses of Parliament, Lloyd's Rooms, and the Mansion House, Cornhill, New Bond Street, and other prominent positions. In addition

to the above forecasts, a watch is kept from 8.30 to 9 p.m., and whenever the Office thinks it necessary storm warnings and special forecasts are telegraphed to 133 stations. I may state that, if considered desirable, the forecasts made at 11 o'clock might be made more generally public.

MR. A. M. SULLIVAN: Will the noble Lord kindly say whether there is any objection to publish the 8 o'clock evening forecasts free?

LORD FREDERICK CAVENDISH: That would make a difference of £1,000 in the cost, and I do not think it necessary to propose a Supplementary Estimate to meet that charge.

MR. A. M. SULLIVAN: In consequence of the answer of the noble Lord, I beg to give Notice that I will call attention to the large grant made already upon the subject, and the small amount that would be required to make the observations infinitely more useful.

SOUTH AFRICA—THE CHIEF MOIROSE

MR. A. M'ARTHUR asked the Under Secretary of State for the Colonies Whether he will inquire into the truth of a statement made in the "Christian Express," published at the Lovedale Institution in South Africa, that the body of the Chief Moirose had been dreadfully mutilated, and his head carried off for scientific purposes by a Negro attached to the Cape Mounted Rifles.

MR. GRANT DUFF, in reply, said, that it was quite clear that the body of Moirose was buried the day after his mountain was taken; but, so far back as January last, a statement came to the knowledge of the then Secretary of State to the effect that his head had been removed for anatomical purposes. He immediately, of course, gave orders by telegraph that the head should be decently interred with the other remains, and soon afterwards a telegram was received stating that the order had been carried into effect.

THE PRISONS ACT, 1865 — MAGISTRATES' SENTENCES—THE CASE OF CATHERINE CONNOLLY.

MR. PASSMORE EDWARDS asked the Secretary of State for the Home Department, Whether his attention has been called to the case of

Catherine Connolly, who, on Saturday last was sentenced to twenty-one days imprisonment with hard labour, without the option of a fine, for conveying to her husband, now in the House of Detention, a quarter of an ounce of tobacco in a pastry turnover intended for his dinner; and, whether he intends to interfere with the sentence?

SIR WILLIAM HARCOURT: Sir, I am not at all surprised at the attention which this sentence has created, and I have taken every means in my power to communicate with the magistrate who passed it. I wrote to him last night; but, getting no answer this morning, I directed my Private Secretary to go to the Court and communicate with him. Unfortunately, however, the magistrate is not sitting to-day; and, therefore, I have had no personal communication with him, although I hope to have it in the course of the day. As to the sentence, I have ascertained, however, certain circumstances which I will mention to the House. First of all, I should say that this conviction was under the Prisons Act of 1865, which certainly does appear in this particular, no doubt, to be a very severe Act; for it says that every person who, contrary to the regulations of the prison, brings, or attempts by any means whatever to introduce, any spirituous or fermented liquor, or tobacco, into any prison, shall, on conviction, be sentenced to be imprisoned for a term not exceeding six months, or be liable to a penalty not exceeding £20. It was under that provision that the woman was brought up. I am also informed that the newspaper reports were in many respects inaccurate. They stated that the woman was sentenced to hard labour, whereas the Statute does not authorize hard labour. It was also stated that the child was left to find its way home. That is inaccurate. The magistrate directed the police to take care of the child and to take it home. That is all the information concerning the case which I have at present, and I cannot undertake to say what I will do with the sentence until I have had an opportunity of communicating with the sitting magistrate. I can assure the House that no time will be lost in dealing with the case, and doing justice as far as possible.

CRIMINAL LAW—ALLEGED ILLEGAL DETENTION OF A FEMALE.

MR. ARTHUR ARNOLD asked the Secretary of State for the Home Department, If it is true that a young woman named Hampson, who was sentenced at the Salford Quarter Sessions on 1st March last to three months imprisonment, has been detained beyond that period by mistake, in place of a prisoner under a longer sentence; and, whether, in that case, he has given directions for her liberation?

SIR WILLIAM HARCOURT, in reply, said, it was not true the young woman in question had been illegally detained in prison, as it appeared that her sentence was not three, but six months.

ARMY—SURGEON MAJORS OF THE HOUSEHOLD CAVALRY.

MR. THORNHILL asked the Secretary of State for War, Why Surgeon Majors of Household Cavalry are compelled to retire at the age of fifty-five without further promotion, whereas in other branches of the service Surgeon Majors, at and after the age of fifty-five, can attain higher rank, and their compulsory retirement does not occur till the age of sixty?

MR. CHILDERS: Sir, the hon. Member must be under some misapprehension. Surgeon Majors in every branch of the Service are compulsorily retired at the age of 55.

ARMY—AUXILIARY FORCES—THE VOLUNTEERS AND THE ELECTIONS.

BARON HENRY DE WORMS asked the Secretary of State for War, Whether he is aware that the Kent County Annual Volunteer Competition had suddenly to be postponed on account of the nomination of a candidate for Gravesend having been fixed for the same day as the competition; and, whether, inasmuch as the proceedings at a nomination are now only of a formal character, he will alter the Volunteer regulations so as to limit the prohibition of Volunteer meetings to the polling day only?

MR. CHILDERS: Sir, in reply to the hon. Member, I have to state that I am not aware that the Kent Volunteer competition gathering was postponed on account of the nomination at Gravesend.

Prohibitions on Volunteer gatherings are not limited to polling and nomination days, as in the case of Regular troops, by statute. It has, however, been considered desirable that Volunteers as a body should not assemble during the progress of an election; and the Volunteer Regulations therefore lay down (Section 14, paragraph 419) that Volunteer corps shall not assemble for drill or any other purpose between the issue of a Writ and the termination of an election. Considering the reasons which led to this Regulation, I am not in a position to say that I am prepared to alter it.

POST OFFICE (TELEGRAPH DEPARTMENT)—DISCLOSURE OF TELEGRAMS.

MR. CALLAN asked the Postmaster General, Whether he will have any objection to lay upon the Table of the House, Copies of the Informations in the case of the Queen v. Burton, a telegraph clerk, sworn before the police magistrates of the city of Dublin on or about the 20th May last; of the bail bonds entered into by the prisoner and his bailsmen; of the official or special shorthand writers' report of the trial at Green Street on Friday, June 18, 1880, when the aforesaid Henry Burton was convicted of, and sentenced to two months' imprisonment for, disclosing telegrams in reference to the late election for the county of Meath; and, whether, considering the grave nature of the circumstances disclosed at said trial, and the importance of securing the confidence of the public in the inviolability of telegraph messages, he will advise Her Majesty's Government that a Commission, independent of the department, shall issue to inquire into the working of, and the complaints made of, alleged divulgations in the telegraph office, Dublin, with directions to report thereon?

MR. FAWCETT: Mr. Speaker, in reply to the hon. Member for Louth (Mr. Callan), I beg to state that I have no objection to lay on the Table copies of the information and of the bail bonds, if these copies can be secured. With regard to the shorthand writers' notes in the case of the "Queen v. Burton," I shall also have no objection to lay those on the Table; but as they are somewhat voluminous, I think it would be undesirable to have them printed, unless the

Mr. Childers

House subsequently desires it, which is in the discretion of hon. Members. With regard to the proceedings adopted in the Post Office, in any case where it is supposed that the contents of any telegram have been divulged by any official connected with the Post Office, an inquiry of the most searching kind is at once undertaken, and if the report is that the charges have been proved against the official, he is invariably prosecuted. In this case, against the express wish of the sender of the telegram, the telegraph clerk was prosecuted, and as a result of that prosecution, he was sentenced to two months' imprisonment with hard labour. Under the circumstances I have explained I cannot recommend the appointment of a Commission to inquire into the matter referred to, and I think the proceedings adopted by the Post Office are quite sufficient.

MR. CALLAN: Sir, in consequence of the answer of the right hon. Gentleman, I beg to give Notice that on Thursday next I shall ask the Postmaster General, Whether any reports have been made by the Post Office authorities in Dublin to the Head Office here as to complaints having been made in Dublin of the divulgation of telegrams with reference to the candidature of any party at the late election for the county of Westmeath, and also, as to instructions sent and details of intended movements of Mr. Donnelly in the bye-election for Louth in the month of April last having been divulged to certain members of the Land League in Dublin?

ORDER OF THE DAY.

COMPENSATION FOR DISTURBANCE (IRELAND) BILL—[BILL 232.]

(*Mr. W. E. Forster, Lord Frederick Cavendish.*)

SECOND READING. ADJOURNED DEBATE ON AMENDMENT ON SECOND READING. [25th June.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [25th June], "That the Bill be now read a second time."

And which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Chaplin.*)

Question again proposed, "That the word 'now' stand part of the Question."

Debate resumed.

MR. TOTTENHAM: I rise, Sir, to enter an earnest protest on behalf of the landlords of Ireland, and, indeed, I think I may say of the United Kingdom, against the further measure of confiscation and interference with the rights of property which Her Majesty's Government have thought fit to put before the House and the country. I followed attentively, and I have since read in the public papers, the speech of the right hon. Gentleman who introduced the Bill (Mr. W. E. Forster), and I failed to find one single syllable which could be called an argument in justification, or even in apology, for the principles of confiscation, injustice, and totally uncalled-for subversion of the rights of property which are contained therein. On the contrary, the facts stated by the right hon. Gentleman go conclusively to show, first, how thoroughly unjustified he was in not renewing the Peace Preservation Act, at least for some of the scheduled districts, where he has on his own showing and figures to keep a large force of police for the preservation of the peace and the enforcement of the law. He also stated, from a list of figures which he could not stand any cross-examination upon, that evictions had increased, and in the year 1879 had reached 1,098, as against 503 two years previously, and in this year 1,073. The right hon. Gentleman, however, forgot to tell the House that there are 600,000 agricultural holdings in Ireland, and that these figures, giving him credit for every one of the total number as being agricultural, and not one relating to a town or village holding, would be a fraction under one eviction in every 600 holdings. Now, Sir, I should like to ask how that figure will bear comparison with the present number of agricultural tenancies on hands in England, where it is not necessary to resort to eviction, and where, if the tenant is unable to pay the rent, he gives up his farm, and there is an end of the matter, and the landlord is not driven to evict him? I venture to say, Sir, that the comparison will be very much in favour of Ireland; and the number of farms now unlet, and on the hands of the landlords, will be very far

under the proportion in England. Well now, Sir, where are the localities in which the great increase of these evictions has taken place? Why, in the very counties where the agitation against payment of rent at all is at its height—namely, Galway, Mayo, and Sligo, where process servers and bailiffs have been beaten in the execution of their duty. Where parties of men, disguised, have entered the houses of tenants, who were supposed to be inclined to pay, at night, and sworn them not to pay; and where notices have been posted on farms and in the district warning no person to have anything to do with evicted farms on pain of death. Where threatening letters have been sown broadcast; and where meetings have been held, attended by hon. Members of this House, where the rankest disloyalty and sedition have been unblushingly preached, and no efforts have been spared to stir up the feelings of the people against the law, against payment of rent, and against their landlords, who are their natural friends and protectors. At the last Winter Assizes for the Province or Circuit of Connaught, I was foreman of the Grand Jury, before whom the Bills of indictment for all the five counties were sent, and I will give the House an abstract of the crimes for which prisoners were actually arraigned, and also of those for which no persons were made answerable. I find, Sir, on referring to the Return of agrarian crimes presented to Parliament for the year ending January 31, 1880, that out of a total of 977 crimes and outrages of this nature committed in Ireland, no less than 480, or nearly half the whole number, occurred in the counties of Mayo, Sligo, and Galway, where this criminal agitation is now being carried on. To give the House a sample of what these crimes are, I will give the details of one county—namely, Sligo, which is the only one I have been able to obtain in time:—Firing at the person, 3; wounding, 2; assault on process server, 1; killing and maiming cattle, 7; malicious injuries to property, 2; assembling armed, or disguised, or unlawfully tendering oaths, 14; seizing arms, 1; sending threatening letters, 20; sedition, 3; total, 53; less cases for trial 5; total not amenable, 48. These will give the House some idea of the state those counties have been brought to by agitation, and the teaching of those whose

way in which their efforts are sneered at, their sacrifices made light of, and their acts and intentions wilfully perverted, distorted, and misrepresented is enough to dry up the milk of human kindness in any breast, and divert the stream of self-denying expenditure to any other land, rather than one where, no matter what is done, or however good the object, a sinister motive is found and applied, without the slightest grounds or the slightest compunction, and where facts are wilfully perverted, and the grossest misrepresentations are of daily and hourly occurrence. In what position is it now proposed to put the landlord? Why, in the position of everything to pay, and nothing to pay it with, as the Government proposes to suspend the payment of rent. I put a Question to the Chief Secretary for Ireland the other night, and several other hon. Members put similar Questions, with a view of ascertaining whether the Government proposed to insert any concurrent proposal of relief for the class they propose to ruin; but, being an inconvenient view of the matter, the right hon. Gentleman declined to give us any answer, and challenged us to bring forward those arguments when the Bill was being discussed by the House. Well, Sir, I now ask Her Majesty's Government, whether, as they propose to take away from us the means of paying our debts and just demands, whether they are prepared to forego the payment by us of all the charges and taxes now payable by us to the Crown—namely, Income Tax, tithe rent-charge, quit, and Crown rents, succession duties, and all other items of Imperial taxation incidental to the ownership of property? Whether they are prepared to provide for the payment of poor's rates and county rates now payable by us, and the latter of which has latterly been largely increased by the Relief of Distress Act, which imposes half the repayment of the borrowed moneys upon the landlord? And I further ask them whether, as they are going to make it penal for the landlord to attempt to recover his rent, they will in common justice extend the principle to holders of charges of various kinds incidental to landed property, and make it equally penal on such persons if they require to be paid either interest or principal, annuity or rent-charge, during the continuance of this monstrous propo-

sition? Can anyone say that this is not simple common sense and justice, and that English legislation is not bound to protect by even-handed justice the interests of all classes with whom the proposed measure is to deal? Now, Sir, while protesting in the strongest manner against the principles of the Bill which is before the House, do not let me for a moment be supposed to sympathize with any landlord who, in a time of distress and suffering, should harshly make use of the powers now vested in him by law, where he knew that the rents were not paid from real distress, or from causes beyond the tenants' control. I believe the men who would so act are very few indeed, and would certainly be no friends of mine; and it is a well-known fact that an ejectment for non-payment of rent is, in a large majority of cases, simply the instrument for compelling the unwilling, rather than those unable to pay. It is also well known that for one ejectment decree which is executed, 10 are either settled before execution or redeemed during the six months allowed for redemption. Lest anyone may retort—"Does this man practice what he preaches?" I will merely say for the information of the House that on my own estate there are upwards of 400 tenancies, and in the last 10 years I have had two ejectments for non-payment of rent, and two from other causes. The power of ejecting for non-payment of rent is the only handle a landlord has over a refractory and unwilling tenant, and if you take away that power by this penal legislation, I have no hesitation in saying that you will convert the whole area of the scheduled districts into one of self-declared paupers; so self-declared for the purpose of bringing themselves within the provisions of the Bill, and avoiding the payment of rent. I have lived all my life in close and intimate relations with the people, and I warn Her Majesty's Government that if they persist in this hastily considered and ill-advised interference with the rights of property they are simply pandering to that agitation which is the curse of that unfortunate country; they are letting in the thin end of the agitator's wedge; they will dangerously increase the tension of the relations, which unfortunately exists in some districts, between landlord and tenant; they will embitter the feelings

Mr. Tottenham

which already exist; they will raise a frightful crop of litigation and discontent; they will render it impossible to collect rents justly due; and they will stop the flow of private expenditure on the part of the landlords, who will no longer have resources to draw upon, and on many of these who are now heavily burdened they will bring ruin. Sir, the strongest argument I can use against the Bill are the words of the right hon. Gentleman himself, at the earlier period of the Session, when he stated that he considered suspension of eviction as almost the same thing as suspension of payment of rent, and I will conclude by appealing to the House not to permit the landlords of Ireland again to be made the scapegoats of Liberal legislation, and the victims of renewed and gross injustice without cause or reason.

MR. ROUNDELL said, that any claim which he might have for asking the indulgence of the House whilst he addressed it upon that grave and difficult subject must be derived from the fact that for some months during the eventful Session of the disestablishment of the Irish Church he filled the post of Private Secretary to the then Lord Lieutenant of Ireland; that in that capacity he was privy to every act of the Irish Government; and that since that time he had conceived an interest in the affairs of the Irish people that he should never lose. He did not presume to address himself to hon. Members from Ireland, who were so much better informed than himself upon all the details of this question. What he ventured to do as an English Member, and as one closely allied with the landowning interest, was to address himself to English and Scotch Members, and to put before them arguments which should remove the grave misapprehensions which existed as to the character and tendency of the Bill. The hon. Member for Mid Lincolnshire (Mr. Chaplin), who moved the rejection of the Bill, spoke of it as assailing the rights of property, not only in Ireland, but indirectly also in England, and as departing from every principle of legislation in civilized society. Compensation for improvements he could understand, but compensation for disturbance was quite another thing; and so he ventured to say that the circumstances of the Irish tenant

were one thing, and the circumstances of the English tenant were quite another. The hon. Member for Leitrim (Mr. Tottenham) had just now quoted words recently uttered by the Judge of the Landed Estates Court, whom he (Mr. Roundell) held in great respect; and, as he understood him, he mentioned as an instance of the mischief which the Bill would do in the case of certain land which was put up for sale, that no more than 12 years' purchase was bid for it. Of course, it was impossible for them to judge of the relevancy of that statement of the learned Judge without being informed—first, whether the rent was excessive; and, secondly, as he shrewdly suspected, whether the land in question was in a distressed district. The objections which struck the English mind in particular with regard to this Bill were two—first, that the measure was novel in principle; and, secondly, that it was subversive in its tendency of the rights of property. He should attempt to show that neither of these contentions held good. He took his stand upon the Land Act. It appeared to him that the principle of the Bill was contained in the Land Act of the year 1870, and that being so, the proposal before the House was certainly not novel. He was in no way concerned to defend the Act of 1870, which stood upon the Statute Book; but wished only for his present purpose to show that the Bill under discussion was an extension of the principles of the Act, not a departure from them. The scope of that Act might be briefly described as two-fold—first, in Ulster, it gave legal effect to the existing tenant right; and outside Ulster its object was to furnish the Irish tenants, and especially the small Irish farmer, with a safeguard analogous to the Ulster tenant right in the shape of compensation for damages in case of eviction. There was a fundamental difference between the English and Irish tenant, and it was this—that the small Irish farmer had secured to him by law a property in his occupancy, a kind of vested right to compensation in case of disturbance from his holding. That was the main feature of the Act, although it did exclude, as a general rule, the principle of giving compensation for eviction in consequence of non-payment of rent. He would now endeavour to prove that the principle of recognizing ejectment for non-payment of

perty for sale." It is now further proposed to make penal any attempt on the part of the landlord to enforce the contract entered into between him and his tenant, inasmuch as the Bill puts it in the power of the Chairman of the County Court to fine the landlord to an amount perhaps 20 times as great as the amount of the rent he seeks to recover, for being so unreasonable as to look for his just rights. I will merely put a case, the figures of which speak for themselves. A tenant owes a year's rent amounting to £10, and, under the Disturbance Clause of the Act of 1876 and the present Bill, the landlord who proceeds to recover this rent may have to pay £70 to begin with, as a compensation for disturbance, and any further amount which the Chairman, in his discretion, may see fit to award, for improvements, manures, drainage, fencing, and all the various items of which these claims are usually made up; and experience of the awards in these cases has shown that in many of them the award, based upon very slight oral evidence, has far exceeded the actual disturbance compensation. Taking the very smallest proportion to which it is likely this claim would be reduced to, and putting it at a further sum of £30, you are thus going to put the landlord in the position of being fined £100, because he seeks to recover £10 which is lawfully due to him. Is that the much-boasted British sense of right and justice? Are hon. Members on that side of the House going to support such a monstrous subversion of all the principles of the rights of property as this? I ask English Members opposite, would they countenance such legislation, if it were proposed to apply it in England; and, if not, why should they look calmly on and see a principle established which will assuredly some day, not far distant, recoil upon their own heads? Sir, I do not believe that the Englishman's love of fair play and freedom of contract will permit many hon. Gentlemen opposite to endorse such a policy as this; but that they will rather adopt the manly and indignant protest of the hon. Member for South Northumberland (Mr. Grey), who gave Notice of opposing a Bill of a character precisely similar to this in principle, and which I may call the mother of this Bill, in consequence of the vacillating and uncertain reply given by Her Majesty's Government

when appealed to for an expression of their policy on the principle of the Bill. Will the right hon. Gentleman who has introduced this Bill tell us what is the cause of his sudden and extraordinary change of front, and what are the reasons which have changed his opinions, openly expressed one short month ago, that suspension of eviction was almost the same thing as suspension of payment of rent? Sir, I shall be told that these penalties are not to attach to the landlord, except in the cases of the Provisoes in Clause 1, first of which is, that it shall be proved to the Court that the tenant is unable to pay, caused by distress. Now, Sir, does not everyone acquainted with Ireland know that any tenant to whom it may be inconvenient to pay his rent will find no difficulty in swearing, and in accumulating proof after proof, that it is distress and inability, and not unwillingness to pay, causes him to be in arrear. The *onus probandi* to the contrary will thus devolve upon the landlord; and if a man swears positively that he has not the money, and cannot make it, how is the landlord to prove that he has? I should like to tell the House a little incident which was related to me by an agent living in one of the districts scheduled to this Bill, as having come under his own notice. A tenant came into the office, and begged him, for charity's sake, not to press him for the rent, swearing by every saint in the calendar that he had done his best to make it up, but had only succeeded in making a part of it, and begged him to accept it for the present on account, putting down a roll of notes on the table. The rent was £8, and on the agent opening the roll he saw there were two £5 and two £1 notes. "Why, Pat," said he, "I only want £8, and here are £12." Pat's face immediately fell, and feeling in the pocket, he replied—"Begorra, your honour, I gave you the wrong roll"; and it then turned out that, notwithstanding his protestations of poverty, he had a second roll of four £1 notes, which he was trying it on with the agent to get him to accept, and which he probably would have done had not the tenant over-reached himself. I mention this to illustrate the extreme difficulty of disproving any tenant's statement of the state of his finances. Now, Sir, what is the 2nd Proviso?—

Mr. Tottenham

"That the tenant is willing to continue in his holding upon just and reasonable terms as to rent, arrears, and otherwise,"

that is to say, in other words, that he is willing and anxious to continue without paying the rent then due, and to be allowed to go on accumulating arrears. Are these just and reasonable terms, and could anyone in their senses say that such terms are, in the words of the 3rd proviso, unreasonably refused by the landlord? I maintain that the title by which it is proposed to call this Act is entirely erroneous and misleading, and that its proper title is "A Bill for the Suspension of Payment of Rent." I say a Bill, as I do not believe the House of Commons will ever permit it to become an Act of Parliament. I hope the House will now permit me to say a few words on the subject of the much-abused class to which I have the misfortune to belong—namely, the Irish landlord, and to record my protest against the spirit in which, both in this House and out of it, Irish Members persistently and invariably speak to their discredit, in a manner calculated to stir up hatred and ill blood between those who should be, and who but for such teaching would be, the best of friends; and I hope the House will grant me a little special indulgence for trespassing on its time when I say that, though there are Members far more entitled than myself to take up its time on the general question, I believe I am the sole Representative on this side of the House of the landed interest in the scheduled districts. A poster, which is a fair specimen of those which are habitually issued and placarded over the country, came to my hands a few days ago, and if the House will allow me, I will read it, to show to those Gentlemen who are not connected with Ireland the vituperation and abuse which is systematically showered upon the Irish landlord. I may also say that the meeting called by this poster is to be held on an estate, the owner of which bears a name pre-eminently high among Irish landlords, as remarkable for kindness, charity, and generosity in all his dealings with those dependent on him, and who has habitually been one of the largest employers of labour, and is now expending large sums in this very district—I mean the present Lord Ardilaun, better known to hon. Members of this House as Sir Arthur Guinness.

"The Land for the People!"

"A Monster Land Meeting will be held at Cong, on Sunday, the 11th of July, 1880, for the purpose of furthering the interests of the Land Movement; to denounce acts of tyranny and oppression, and, paramount above all, to revive and diffuse among Irishmen the undying spirit of Nationality.

"The land of Ireland—the land of every country—belongs to the people of that country."
—JOHN STUART MILL.

"God made the land free for all, and I believe that rent under any circumstances, in prosperous times or bad times, is nothing more nor less than an unjust and immoral tax upon the industry of the people."—MICHAEL DAVITT.

"Under what is called the 'freest Constitution in the world,' the millions must cease to be the slaves of the few. If law does not accomplish the change, then nature herself must only step in, work up her opportunity, seize it at the proper moment, and repair and compensate for the wrongs of delayed redress by appropriation more extensive than the concessions which were humbly and constitutionally, but vainly, claimed. . . . Such an event may be distant; but so sure as 'Progress' is the motto of civilized mankind, so sure will that event be realized if not averted by legislative justice."—*The Irish Landlord since the Revolution*, by the Rev. P. LAVELLE, P.P., Cong.

"Keep a firm grip of your homesteads."—CHARLES STEWART PARNELL, Esq., M.P.

"Yes, stick to your homesteads. Men of Mayo and Galway, assemble in your thousands at Cong, on the 11th July, and avow your resolve to prosecute the Land War, until you achieve the abolition of the Usurper of your God-given inheritance.

"Several Members of Parliament are expected to attend, including Messrs. Charles S. Parnell, O'Connor Power, Rev. I. Nelson, J. G. Biggar, &c., &c.

"The Irish National Land League will be represented by Messrs. T. Brennan, O'Sullivan, Boyton, and Kettle. Several other eminent public speakers will attend. Down with Tyranny and Oppression! Away with that hated institution called Landlordism.

"God save Ireland and the people!"

Anyone not acquainted with Ireland might well believe that the Irish landlord, as a rule, is a thing to be abhorred and turned from in disgust, as incapable of any sympathy with distress and suffering, and a mere machine for squeezing the last possible shilling out of his tenantry and turning every opportunity to his own account and profit. Sir, it is only those who live in the country and among the people, and who have some connection—not a connection born yesterday—with them and their interests, who know the sacrifices that have been made and the sums that have been expended by Irish landlords in the relief of distress; and I say that the

way in which their efforts are sneered at, their sacrifices made light of, and their acts and intentions wilfully perverted, distorted, and misrepresented is enough to dry up the milk of human kindness in any breast, and divert the stream of self-denying expenditure to any other land, rather than one where, no matter what is done, or however good the object, a sinister motive is found and applied, without the slightest grounds or the slightest compunction, and where facts are wilfully perverted, and the grossest misrepresentations are of daily and hourly occurrence. In what position is it now proposed to put the landlord? Why, in the position of everything to pay, and nothing to pay it with, as the Government proposes to suspend the payment of rent. I put a Question to the Chief Secretary for Ireland the other night, and several other hon. Members put similar Questions, with a view of ascertaining whether the Government proposed to insert any concurrent proposal of relief for the class they propose to ruin; but, being an inconvenient view of the matter, the right hon. Gentleman declined to give us any answer, and challenged us to bring forward those arguments when the Bill was being discussed by the House. Well, Sir, I now ask Her Majesty's Government, whether, as they propose to take away from us the means of paying our debts and just demands, whether they are prepared to forego the payment by us of all the charges and taxes now payable by us to the Crown—namely, Income Tax, tithe rent-charge, quit, and Crown rents, succession duties, and all other items of Imperial taxation incidental to the ownership of property? Whether they are prepared to provide for the payment of poor's rates and county rates now payable by us, and the latter of which has latterly been largely increased by the Relief of Distress Act, which imposes half the repayment of the borrowed moneys upon the landlord? And I further ask them whether, as they are going to make it penal for the landlord to attempt to recover his rent, they will in common justice extend the principle to holders of charges of various kinds incidental to landed property, and make it equally penal on such persons if they require to be paid either interest or principal, annuity or rent-charge, during the continuance of this monstrous propo-

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Mr. Tottenham

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rent as disturbance by the landlord was to be found both explicitly and implicitly in the existing Land Act. If he succeeded in that contention, he should have refuted the objection that the principle of this Bill was a novel one, and quite unknown to existing legislation; and it would, to a certain extent, make good the further contention that the Bill was not subversive of the rights of property. He thought, however, that he should be able to show, to the satisfaction of the House, that this principle was to be found in the existing Act. Now, he would ask the House to consider one or two main features of the 9th and 18th sections of the Land Act. It was stated, no doubt, that ejectment for non-payment of rent should not be deemed disturbance of the tenant. But several speakers, and among them the hon. Member for Leitrim, had lost sight of the important fact that further on, in the same section, it was stated that if in regard to holdings let at an annual rent not exceeding £15 the Court should certify that the non-payment of rent causing the eviction had arisen from the rent being exorbitant, then that might be treated as a disturbance by the landlord. But the case did not stop there. It would be in the recollection of the House that, in the form in which this section was sent up in the first instance to the House of Lords, it did not limit the Court to the consideration of the exorbitancy of the rent; but it empowered the Court on special grounds to consider whether such ejectment were a disturbance or not. He might fairly argue from that that, so far from the principle of the Bill being novel, it was one which a majority of that House had sanctioned in 1870, and long before the anti-rent agitation, the influence to which that Bill was attributed. Therefore, as the Land Bill originally went up to the other House it had even a wider scope than the Bill before the House. He must ask the House for a moment to consider the terms of the 18th section, commonly known as the Equities Section, which regulated the whole machinery of the Act. The Court was empowered, in case of any claim between landlord and tenant, to take into consideration any unreasonable conduct of either party, and at the end of the section the House would find words precisely similar to those in this Bill—

Mr. Roundell

“ If the tenant was willing to continue in the occupation of his holding upon just and reasonable terms.”

By the 9th section, the Court was empowered to consider exorbitant rent as one of those special cases under which ejectment for non-payment of rent was a disturbance. That section gave the Court a certain discretion, within narrow limits, which the present Bill extended, but not so far as a majority of the House proposed to carry it, as the Land Bill went up to the House of Lords; for, if the Bill, as originally sanctioned by that House, had become law, under the terms “special grounds,” any other reason could have been assigned as good cause for treating ejectment for non-payment of rent as disturbance. But this latitude was avoided by the limited character of the Government Bill, for it would be remarked that the Government Bill was strictly limited both in time, locality, and object. The Act empowered the Court to treat exorbitant rent as a cause of disturbance by the landlord, and entitling the tenant to compensation; but what the Bill did was to treat severe distress, which, to use the expressive language of the lawyers, was the act of God, as entitling the tenant to compensation in case of ejectment, and thus preventing a landlord from taking advantage of the Act so as to deprive his tenant of the right of compensation, which, under the Act, he ought to receive. So far, he had dealt with the statement that the Bill was novel in principle; now he would refer to the objection, so much dwelt upon, that the Bill dealt unfairly with the Irish landlord. The hon. Member opposite (Mr. Tottenham) had said under the Bill the landlord had everything to pay, and nothing to pay it. Another expression he had used was, that a tenant might emigrate with the plunder of the landlord in his pocket; and he also spoke of the Bill as an act of confiscation, and totally subversive of the rights of property. He (Mr. Roundell) must venture to make some remarks on those observations, because it appeared to him that they were not borne out by the facts of the case. It was not the fact that the landlord was compelled to pay compensation to the tenant. He understood the object of the Bill was to make the hard and unconscientious landlord conform to the practice of the good one. That was the principle of the Land Act, and that

he understood to be the principle of the Bill. How could it be said that the tenant might emigrate with the plunder of the landlord in his pocket, when he must pay out of the compensation money the arrears of rent to the landlord, and only retain what he had paid for improvements of his own? There was a cardinal distinction between the state of things in England and Ireland. English Members would be surprised when he mentioned the fact that there was an Irish landlord with an income of from £15,000 to £20,000, made up of a rental averaging £5 per annum. The estimated number of small farms was nearly 400,000. When he remembered what fell from the hon. Member for Mid Lincolnshire (Mr. Chaplin) as to the difference between compensation for disturbance and compensation for improvements, he could not help thinking of what fell from the right hon. Gentleman the Chief Secretary for Ireland on Friday last, about the number of evictions, and of the way in which the officers had to be protected by almost a small army. A well-known authority on the subject—Mr. Baldwin of Glasnevin—had stated as a rule that a farmer who derived all his income from land could not support himself and his family on a rental below £8 a-year, while the greater number of them below that figure eked out a miserable existence. Then, it might be asked, why did these poor people cling to their land with such limpet-like tenacity? That question was answered by the statement appearing in the evidence before the Devon Commission, that the possession of land, however small, was becoming the only security for the supply of food, and that to lose this security was to risk the very existence of the family from which it was taken. It followed that it was by no means untrue to say that eviction, in the eyes of many of the peasantry, was tantamount to a sentence of death. He would ask the House to connect the subject of the small farmers, with which the Bill was mainly to deal, with the further fact, which was admitted by all who knew Ireland, that the agrarian outrages of which so much had been heard in the distressed district, mainly occurred in connection with the small farmers. When he was in Ireland, it was his fortune to be there at a time when evictions were frequent and agrarian outrages were rife.

It was an incident of agrarian outrage that it went undiscovered, and the impunity which attended outrage had the effect of producing it. At the time to which he referred they occurred to such an extent as to amount in time almost to a state of civil war; and it was necessary, for the vindication of law and the cause of order, to pass the Westmeath Act, which was scarcely to be distinguished from a proclamation of martial law. It was because he remembered those things, in common with his right hon. Friend (Mr. W. E. Forster), that he shrank from a repetition of such proceedings, and he supported the Bill before the House. The Bill was strictly limited in time, locality, and in object, and was promoted on the lines and in the spirit of the Land Act. He regretted the necessity for its introduction, and he admitted the grave difficulty of the subject; but in politics it was not a question of difficulty, but of choosing between the greater and the less difficulty; and he believed that by passing the Bill the greater difficulty would be avoided. After all, while admitting the difficulty, he was content to rest his defence of the measure on the plea put forward by the late Government in defence of their policy for the relief of distress, that it was one of exceptional legislation to meet exceptional circumstances, and, as an exceptional measure of relief, not subject to the criticisms which its provisions would excite if it were based on ordinary financial grounds.

MR. BRODRICK said, he did not think it necessary or even material to consider the question which had just been raised, whether the Bill was or was not in accordance with the spirit of the Land Act. He would much rather have heard the last speaker (Mr. Roundell) address himself to the facts brought forward by the hon. Member for Leitrim (Mr. Tottenham), and attempt to rebut the assertions made on the authority of the best landlords of Ireland. His (Mr. Brodrick's) objection was that the supporters of the Bill took too much for granted, and adduced too little of fact and argument to support the case. The hon. and learned Gentleman the Solicitor General for Ireland (Mr. W. M. Johnson) had appealed to the House not to treat the question as one between class and class, and he (Mr. Brodrick) shared the desire not to do so; but the Chief Secretary had leagued

himself with hon. Members from Ireland who did treat the question as one between landlords and tenants, and while he (Mr. Brodrick) was sorry it had been so treated, he could not ignore the fact that the Chief Secretary appeared unable to divest himself of their sentiments and to use simple and relevant arguments. Many arguments had been brought forward; but had they been supported by facts? The hon. and learned Member for Dundalk (Mr. C. Russell) insinuated the other night that the landlords of Ireland had, since the passing of the Land Act, been gradually putting up the rents until they were only just outside the word "exorbitant;" but he had cast such statements broadcast throughout the country without any facts or figures to prove them. The hon. Member for Mayo (Mr. O'Connor Power), when he rose in his place, late at night, to bring in his Bill, the principle of which had been accepted by the Government, complained bitterly of the action of the landlords of Ireland in regard to their tenants; but not a single fact had been brought forward in support of that suggestion. No one had shown that the suggestion had the slightest foundation. Not a single case of unrighteous and wrongful eviction had been adduced; but such a revolutionary measure ought surely to be supported by facts which would show that there was a real and genuine evil to be redressed. In reply to a question from the noble Lord the Member for Haddingtonshire (Lord Elcho) about the distress of 1847, it had been said that the Government of the day did not contemplate unusual measures to meet it; but it was added that the Land Act had not then been passed. Was it to be inferred from this that now, 10 years after the passing of the Land Act, there was less security than there was before? If landlords generally had not been exercising their rights wrongfully, why did not the right hon. Gentleman show that he was not legislating for all landlords, but only for the exceptions? It was equally untrue to say that since the passing of the Land Act the bone and sinew necessary for the improvement of the land had been supplied by the tenants. It must be patent to everybody that the essence of the legislation of 1870 was that it forced the landlord to spend money on his estate out of his own pocket, wherever loans

were made to him or to the tenant, with power to the tenant to claim compensation if he were evicted. In any case the money came out of the pocket of the landlord. If this Bill were exceptional—and it was admitted that it was brought in in an exceptional time—there was all the more reason to take care that this experimental and exceptional Bill did not deal with cases other than those for which it was intended. The right hon. Gentleman told them he did not impeach landlords generally, and proposed to legislate only for exceptions; and yet by this Bill he proposed to deal with a far larger class than that which could be included under this head. To punish all landlords was not the desire of the right hon. Gentleman; but it was the desire of the hon. Members from Ireland below the Gangway on the Opposition side. They did not regard the Bill in the light of a final settlement of their claims. It was a Bill stating a principle which they desired to see carried further in the future. The hon. Member for Mayo would be found as tenacious of his object as Shylock was of his bond, though, at present, he would not claim the whole at once, but was prepared to accept a part if helped to it by the right hon. Gentleman on the Treasury Bench. The object of these hon. Members was rather to keep the question alive by this Bill than to arrive at any final settlement; but he (Mr. Brodrick) trusted that the House would not sanction legislation which would have that effect, and stamp it with the approval of Government and Parliament. What he wished to ask the Chief Secretary for Ireland was, whether he thought in keeping the question alive in that way by bringing in a ten minutes Bill he was really acting in a way that would strengthen the hands of the law in Ireland, and promote order and good government? By the Bill landlords who had spent large sums on their estates for improvements would be placed in the same category with those who had not expended a farthing. He deprecated forcing the good landlord into the same category with the bad one, against whom it might be right to provide by law. There were three classes of estates affected by the Bill. One of these consisted of land reclaimed from the bog by the tenants. There were, undoubtedly, large tracts of country which were worth nothing to the land-

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lord a short time ago, and their value now was due to the application of the capital and industry of the tenants and not that of the landlords. He admitted that legislation might be rightly turned in the direction of these cases. The hon. Gentleman (Mr. Roundell) said it was only in the case of small farmers that evictions took place. Why, then, was not the operation of the Bill confined to that class? He knew a gentleman who held an estate of £16,000 a-year in the county of Cork, on which had been spent during the last 35 years a sum of £150,000 in absolute improvements. Within the last few years he had reduced his rents, and had succeeded in getting along without ejecting more than one tenant; and yet such a landlord as that would be placed by the Bill in the same category as one who had never expended a farthing on improving his estate. This they were, in fact, asked to do, in the face of the experience of 1847, which showed them that many good landlords were able to get rid of a certain number of tenants, whose case they themselves were convinced was hopeless, by giving them sums of money to go to America or elsewhere. It was a serious thing, too, to interfere by legislation between parties to a contract by postponing the fulfilment of one portion of the contract for an almost indefinite period of time. In a commercial transaction such a thing would be simply ruinous; and if it were allowed in the case of landlord and tenant he saw nothing but ruin to a great many good Irish landlords. This Bill, in depriving them of their rents, would also deprive good landlords of the reward which they had a right to expect for sacrificing a part of their present income for the future benefit of their property. Then there was the case of estates which bordered on the distressed districts; and on this point he would endeavour to refute the Chief Secretary by his own arguments. The tenants on one side of the line would have privileges which the tenants on the other side would not possess, and thus a sense of wrong and hardship would be created, as was found to be the case on estates on one portion of which the Ulster tenant right existed and on another part of which no such custom was recognised. But then it was said that the terms of the compensation to be

awarded were to be reasonable. What were reasonable terms? What was to be the standard? Was it to be Griffith's valuation? He knew that many tenants would wish to return to that valuation, because it was made at a time when the prices of many things were not half what they now were, and when great ignorance as to the capabilities of the soil prevailed. They were asked to set up a tribunal which would have power to award two to seven years' rent by way of compensation, and the right hon. Gentleman said there would be the rent to set off against the compensation. What possible advantage could it be to a landlord to know that the rent he ought to receive was to be set off against the compensation which he ought never to have been called upon to pay? He hoped the House would not sanction legislation which would set class against class, and revive many feelings in Ireland which had perished with the expiration of the penal laws—legislation by which a power would be given to a Court of revising the rents of every landlord in Ireland, and to a Court over which a barrister would preside who had no training in land valuation, and no previous knowledge of the estates with which he would have to deal. It should also be borne in mind that Ireland contained no class like the valuers of this country, who could be brought in to act as umpires between landlord and tenant. Such legislation would establish a principle negating the wholesome rule of honesty, that what a man contracted to do he should be held bound to do; and he besought the House to guard against a proposal which, under the specious plea of charity, would relieve the distress of one class by transferring to it the property of another.

MR. O'SHEA said, he rose with much hesitation, as a new Member, for the purpose of pointing out to hon. Gentlemen on the Opposition side of the House that the Bill was not likely to cause social revolution in Ireland, and that it was not expedient to oppose the measure even on behalf of the landlords themselves. Hon. Members seemed to fancy that the Bill was a great infringement of the rights of property. Now it seemed to him that the phrase had the vice of generalizations; it covered too much, it embraced arbitrary as well as essential rights. The right hon. Members contended for could be at best but

the former, for, however, they might object, it was still the fact that the Bill followed in the lines of the Act of 1870, that its principle was laid down by that Act—namely, that the tenant was given an interest, a right of property, a tenant right, or whatever it might be called, from the time of the passing of that Act. He, for one, had never heard any valid reason given for that, except that of expediency, and he argued that was now on the other side, for why should a tenant be deprived of that right, because he owed a year's rent to the landlord, rather than because he owed a year's bill to the shop-keeper? After the lucid explanation on the part of the right hon. Gentleman the Chief Secretary for Ireland, it seemed strange that there should be so many men of intelligence in London unable to grasp the fact that the County Court Judge would not in every case be obliged to give the maximum rates of compensation laid down in the Schedule. The safeguard of the landlord lay in the character of the Court, which would have to distinguish between fault and misfortune, to reduce exaggerated claims and reject fictitious ones. Generally speaking, the decision of the County Court Judges were satisfactory at present—that was his opinion as a landlord. If this measure was to be permanent, it might then be fairly objected that some other tribunal of greater force should have been immediately established. But it was only a temporary measure, and already there were sufficient guarantees from the tribunals of the County Court to warrant the House giving to them an amount of confidence and trust which, he believed, would not be misplaced. He was glad to hear the hon. Member opposite (Mr. Brodrick) speak so kindly of the tenants who had reclaimed bogs; there was no class which deserved more consideration. He (Mr. O'Shea) entered into calculations, based upon the interest paid for borrowed money and the value of the labour expended, to show that it would take a very long time to exhaust the value of these improvements. A large landowner, who did not share the alarm of hon. Members opposite, had written to him (Mr. O'Shea) the other day, saying that he preferred the Government Bill as a more tentative measure, although he had little objection even to the hon. Member for Mayo's (Mr. O'Connor Power's) Bill, small as was his confidence in its

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author. He (Mr. O'Shea) did not think either of them would materially affect good landlords. He must confess that there were many friends of his who had a great objection to the Bill, and who thought there would be very great difficulty in getting in rents in future in Ireland, but so thought many in 1870; and, on the other hand, he was one of those who, perhaps, being equally good judges, thought differently. Now, with regard to the agitation. Some sacrifice ought to be made to allay it. As the proverbial tree escaped injury by bending to the storm, so landlords would do well to make some sacrifice now. No doubt the present generation of Irishmen were less patient than those who had gone before it. They were in constant communication with the Ireland beyond the sea, by correspondence with emigrant friends and relations, and by means of a cheap, exciting Press largely conducted by the sons of those who, by exile, escaped from the great Famine, and had brought up their children in the traditions of it. Like the Roman, the Irishman did not change his heart when he changed his sky. Irishmen in America were always vaguely looking forward to great days for Ireland, and what was more, they were willing to subscribe towards them. Under these circumstances it would be well to see if a compromise could not be arrived at which he believed might turn out to the advantage of all concerned. The Bill was a very small and temporary one; but they looked forward to the Government bringing in a much larger measure next Session. [*Laughter.*] Hon. Gentlemen opposite ought not to laugh too soon; because it was evident that Ireland must have another Land Bill passed, and that being so, it would be better to have a large and comprehensive measure, one which would benefit all classes, and renew the good feeling between landlord and tenant. No hon. Gentleman had read with greater pain than he had the record of agrarian crime in Ireland which had been lately presented to Parliament; but, at the time, hon. Gentlemen who carefully examined the Returns would see that they were largely made up of letters and notices, which, however reprehensible in themselves, really conveyed no menace to human existence; and merely glancing at the broad figures would create a false impression as to the

to do, that his own labour and the exercise of his own personal qualities was what he must rely on—when they told him he need not pay for soil which was uncongenial and would not yield him the ordinary means of livelihood, instead of teaching him to rely upon himself, they were doing him harm. The right hon. Gentleman the Chief Secretary to the Lord Lieutenant encouraged the hope that numbers of those who were now endeavouring to drag on a miserable existence on patches of exhausted land would be induced to emigrate to places where they might find the proper means of support. He (Mr. W. H. Smith) agreed in that view; and any scheme of the kind which was sound in principle would receive, both in the House and out of it, a cordial support. Many people would put their hands into their pockets in order to achieve such an object. But the present Bill provided that the aid to be given to these struggling people should be taken out of the pockets of one class, whether they could afford it or not. From the knowledge he had been able to obtain of the landlords of Ireland, he should imagine there was hardly any class so entirely dependent on the particular property they held, and that many of them were not in a position to meet the circumstances in which this law would place them. In England it was a very common thing for men to hold property of different kinds; but he was afraid that in Ireland a landlord usually depended almost exclusively on the land. If this Bill were passed into law he could not imagine that the poorer tenants in the scheduled districts would pay any rent before 1881. ["No, no!"] At all events, there was evidence to show that that would be the case, and that the effect of the Bill would be to prevent the payment of rent till 1881 at least. The landlord would require compensation for the loss it would entail upon him. The right hon. Gentleman asked them to understand he hoped there would be many landlords who would find means to enable the poor people to emigrate. But where were the landlords to get the money? It was notorious that they had charged their estates largely in order to promote relief works, and they were now in many cases without rents. The right hon. Gentleman the Chancellor of the Duchy of Lancaster

referred to the fact that money had been spent in past prosperous years by the landlords. He feared that if the harvest fortunately proved a good one, a great deal of the money which the tenant realized from it would be gone before the arrears of rent could be paid to the landlord. What would the tenant really understand by the Bill? Hon. Gentlemen below the Gangway could supply an answer to that question. For himself, he need not tread upon the ground taken by the hon. Member for Leitrim (Mr. Tottenham), who had told the House facts that would necessarily have a very great effect upon hon. Gentlemen opposite. The hon. Member knew very well what was the meaning of the Bill, and he knew that the tenant would regard it as something intended to relieve him of his duty of paying rent—as an indication that something would occur between this and the end of 1881 that would have the effect of destroying his obligations in a strange and exceptional way. He (Mr. W. H. Smith) had listened to the speeches of the hon. and learned Gentleman the Member for Dundalk (Mr. C. Russell), and of the right hon. Gentleman opposite, and it had appeared to him that their arguments were inconsistent, for in one instant the Bill was said to be well within the scope of the Land Act of 1870, and almost in the same breath it was declared to be only a temporary measure intended to meet peculiar circumstances. If it was drawn in the spirit of the Land Act, it certainly would encourage the expectations of the people, and it undoubtedly did encourage them to look forward to changes which could not be granted with safety to property anywhere. In spite of the ability and moderation of the speech of the right hon. Gentleman, it was a very dangerous speech—because it admitted the principle, but yet did not go far enough practically, nor offer to satisfy what were called the just claims of the people of Ireland to fixity of tenure. He did not know whether right hon. Gentlemen opposite were prepared seriously to grant fixity of tenure; but he could imagine nothing that would tend more certainly, within a generation or so, to bring about disasters, and among them the return of the horrors of the Famine of the year 1846-7. It was not such reforms as that which they required. With fixity of tenure, it would

be impossible to prevent overcrowding, and the consequence would be that an overwhelming population, barely existing on impoverished land, would easily fall victims to actual starvation. Nothing was more sad than to see people who had been educated in dependence on the State suffering as they were at present; but it was clear to him that the revolutionary tendency of the Bill would aggravate rather than remedy their unhappy state. No doubt, it was dangerous to property—that would be conceded—but he was not there to maintain the rights of property over the right to good government and good laws. The worst result of the Bill was that it would shake all confidence and security, for a necessary element of success was that capital which had been restricted by reason of the conditions which had hitherto existed. If property in Ireland were properly secured, they would have all the capital which was necessary for the development of the resources of the country. He thought sufficient importance had not been attached to the phase of the question which dealt with the position in which the owners of land would be placed by this law when they came to be called upon to pay the charges on their property. He had facts in his possession which proved conclusively that the landlords were greatly alarmed at the course taken by the Government. A letter had been put into his hands to the effect that a mortgage was about to be executed as a first charge on an estate of £2,500 a-year, and that the intended mortgagees withdrew from the transaction, when all the preliminaries had been settled, solely in consequence of the action of the Government. He also knew as a positive fact that solicitors in London who were charged with the interests of their clients were considering whether it was right to allow their money to remain on mortgage in Ireland. The Bill had, in fact, so thoroughly shaken the confidence of those who possessed capital, that solicitors in charge of property were seriously reviewing their position. Again, what was to be the position of men who could not get assistance to discharge their duties as owners of property, or who were called upon to pay money at present on mortgage? He put it to the right hon. Gentleman whether it would not be necessary to introduce into the Bill such provisions

as would prevent the destruction of society in Ireland by securing some of the unfortunate landowners against the consequences of foreclosing? That was no light matter, because charges on the estate had to be paid, even though bankruptcy was the result. Then it was to be noticed that the changes would affect only the districts scheduled under the Bill—that was to say, the Bill would ruin so many landlords was confined to those districts in which the landlords had specially exerted themselves to relieve distress. What was to be done with those who were just outside the limits of the Bill? If on one side of a hedge the collection of rents was postponed till the end of 1881, what chance was there that they would be paid just on the other side of the imaginary boundary? The right hon. Gentleman had referred to the large army required to enforce evictions; but would it not be equally necessary just outside the scheduled districts?—unless, indeed, it was proposed to suspend the operation of the law throughout the whole country till the end of 1881. Would they say that the tenant of one estate should be be entitled to compensation for disturbance and deny the tenant of another? He was himself convinced that in dealing with this subject they had lost sight of what was the real cause of distress, or one of the real causes. It was not confined to the influence of the seasons, which, after all, had not been so unfavourable to Ireland as to England, but due, to a very considerable extent, to unobserved economical changes going on in certain part of the country. It was well known that formerly many Irish labourers used to come over to England at harvest time, for whom, owing to various causes, employment could not now be found. Great numbers of labourers now remained at home who used to obtain work and wages in England, and that cause, therefore, of the distress, being permanent — indeed, that employment would, without the fault of anybody, gradually grow less—could not be met by the Bill. Those labourers would simply be kept on small farms on which they could hardly live, and their condition would soon be a problem of the greatest difficulty. Then, in many cases, the land had become exhausted. These questions would have to be met in some

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to do, that his own labour and the exercise of his own personal qualities was what he must rely on—when they told him he need not pay for soil which was uncongenial and would not yield him the ordinary means of livelihood, instead of teaching him to rely upon himself, they were doing him harm. The right hon. Gentleman the Chief Secretary to the Lord Lieutenant encouraged the hope that numbers of those who were now endeavouring to drag on a miserable existence on patches of exhausted land would be induced to emigrate to places where they might find the proper means of support. He (Mr. W. H. Smith) agreed in that view; and any scheme of the kind which was sound in principle would receive, both in the House and out of it, a cordial support. Many people would put their hands into their pockets in order to achieve such an object. But the present Bill provided that the aid to be given to these struggling people should be taken out of the pockets of one class, whether they could afford it or not. From the knowledge he had been able to obtain of the landlords of Ireland, he should imagine there was hardly any class so entirely dependent on the particular property they held, and that many of them were not in a position to meet the circumstances in which this law would place them. In England it was a very common thing for men to hold property of different kinds; but he was afraid that in Ireland a landlord usually depended almost exclusively on the land. If this Bill were passed into law he could not imagine that the poorer tenants in the scheduled districts would pay any rent before 1881. ["No, no!"] At all events, there was evidence to show that that would be the case, and that the effect of the Bill would be to prevent the payment of rent till 1881 at least. The landlord would require compensation for the loss it would entail upon him. The right hon. Gentleman led them to understand he hoped there would be many landlords who would find means to enable the poor people to emigrate. But where were the landlords to get the money? It was notorious that they had charged their estates largely in order to promote relief works, and they were now in many cases without rents. The right hon. Gentleman the Chancellor of the Duchy of Lancaster

referred to the fact that money had been spent in past prosperous years by the landlords. He feared that if the harvest fortunately proved a good one, a great deal of the money which the tenant realized from it would be gone before the arrears of rent could be paid to the landlord. What would the tenant really understand by the Bill? Hon. Gentlemen below the Gangway could supply an answer to that question. For himself, he need not tread upon the ground taken by the hon. Member for Leitrim (Mr. Tottenham), who had told the House facts that would necessarily have a very great effect upon hon. Gentlemen opposite. The hon. Member knew very well what was the meaning of the Bill, and he knew that the tenant would regard it as something intended to relieve him of his duty of paying rent—as an indication that something would occur between this and the end of 1881 that would have the effect of destroying his obligations in a strange and exceptional way. He (Mr. W. H. Smith) had listened to the speeches of the hon. and learned Gentleman the Member for Dundalk (Mr. C. Russell), and of the right hon. Gentleman opposite, and it had appeared to him that their arguments were inconsistent, for in one instant the Bill was said to be well within the scope of the Land Act of 1870, and almost in the same breath it was declared to be only a temporary measure intended to meet peculiar circumstances. If it was drawn in the spirit of the Land Act, it certainly would encourage the expectations of the people, and it undoubtedly did encourage them to look forward to changes which could not be granted with safety to property anywhere. In spite of the ability and moderation of the speech of the right hon. Gentleman, it was a very dangerous speech—because it admitted the principle, but yet did not go far enough practically, nor offer to satisfy what were called the just claims of the people of Ireland to fixity of tenure. He did not know whether right hon. Gentlemen opposite were prepared seriously to grant fixity of tenure; but he could imagine nothing that would tend more certainly, within a generation or so, to bring about disasters, and among them the return of the horrors of the Famine of the year 1846-7. It was not such reforms as that which they required. With fixity of tenure, it would

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other way than by the suspension of the operation of the law. In Ireland, a temporary suspension of the law meant a great deal more than a temporary suspension, as they would find when they tried to re-enforce it. The present distress had brought to the notice of the House a question as grave as any that had ever been before it; and it was the duty of one like himself, who had held office under the Crown, to state his convictions on this subject. However great his sympathy might be—and it was and ought to be great—with the suffering people of Ireland, he prayed the House to hesitate before they passed the Bill, and to recognize that it contained principles which destroyed security of property, impaired the independence of the people, and would bring disaster to this country.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, that he entirely agreed with some of the observations of the right hon. Gentleman opposite (Mr. W. H. Smith), and, like him, wished to see the people of Ireland independent, and the landlords as well as the peasant farmers in the enjoyment of security. But with respect to the observations which had been made as to a sense of insecurity having been caused by the introduction of this Bill, he could not but think that any such feeling of insecurity, if it existed at all, was largely attributable to the exaggerated statements which had been made by hon. Gentlemen opposite and their supporters. One fundamental mistake ran through the whole of their statements. It was assumed that this Bill would stop the payment of rent for two years. Hon. Gentlemen, by a circuitous process, might, perhaps, persuade themselves that such would be the result; but, unquestionably, nothing of that kind was to be found in the Bill. The landlord, if the Bill passed, would have all the remedies which other creditors had for the recovery of their debts, and all the remedies which landlords in England had for the recovery of their rents. Another observation which had been made by hon. Gentlemen, and also by the leading journal, was that the tenants throughout Ireland were absolutely indisposed to pay their rents. He must beg leave to differ entirely from that assertion. He had known instances this very year in some of the most distressed districts

where the rent had been paid by persons steeped in the deepest poverty, without any pressure and without the smallest hesitation. He denied that there was any general indisposition in Ireland to pay rent, although, no doubt, in parts of the country this indisposition to pay rent did exist, and in the distressed districts there was great difficulty in doing so. The right hon. Gentleman, like the hon. Gentleman who had moved the rejection of the Bill (Mr. Chaplin), treated the principle of this measure intended to meet an emergency which came from the hand of God, as totally unknown in any civilized community. But the doctrine was not so entirely novel. By the Roman civil law, which had been well called "written reason," and formed the basis of great part of the law of all European nations, and even by the law of Scotland, if by reason of some supervening calamity, such as inundation or even extreme inclemency of the weather, a tenant's crop did not repay his labour and his seed, he was not liable for that year's rent. He remembered that in one case, where the tenant's crop had been destroyed by a tremendous fall of hail, the Scotch Courts held that he had a sufficient cause for not paying the rent. That, indeed, was not the law of England or of Ireland; but those who held as a principle that the plea of a supervening calamity was not to be listened to, nay, that it would be morally wrong to listen to it, were carrying their contention further than either reason or authority would justify. And now a word as to the extent of the distress. They were told last February by the right hon. Gentleman the Leader of the Opposition, and truly told, that the loss upon the crops in Ireland in 1879, as compared with 1878, amounted to £10,000,000. But how large a part of that £10,000,000 must be attributed to the distressed districts swept by Atlantic storms and close to the "melancholy ocean." With regard to the potato, which was the important crop for these poor people, figures showed that it was more than one-half less last year than in the year before, being 50,500,000 cwt. in 1878, and only 22,273,000 cwt. in 1879. The loss, too, nearly all belonged to the distressed districts. During the six years ending in 1876 the estimated value of the potato crop was nearly £9,500,000 sterling; in 1877, it was about £5,250,000; in 1878, £7,500,000;

and in 1879, £4,250,000. This made a loss on the three years of about £10,000,000 in potatoes alone, according to the valuation put on them in *Thom's Directory*. The whole valuation of agricultural land in Ireland was but £11,000,000, of which £5,000,000 was in the distressed districts of the West; so that the loss on potatoes alone in the last three years amounted to nearly the whole valuation of Ireland, and taking the distressed Western half by itself, the loss there must have greatly exceeded its entire valuation. Let hon. Gentlemen try to realize the effect of the very bad harvest of 1879 coming after two exceedingly bad harvests. The accumulated effect on the poor Irish peasant was that all his savings were gone, and that he was unavoidably in debt. It was for that class of people, the small farmers—the vast majority of whom were below £8 valuation—that the late Government proceeded to legislate last spring; and it was, he submitted, hardly open to hon. Gentlemen opposite now to say that the distress was trifling or had passed away, so that this class did not now need any special treatment. This was a Bill limited in point of time, and also in point of space. Right hon. Gentlemen opposite passed a Bill to enable the poor people of these scheduled districts to buy seed at cost price, and gave them two years to pay the money. They also lent £1,250,000 to the landlords, charging them no interest for two years, and 1 per cent afterwards. Why was all this done. Surely not for the purpose of enabling the landlords to get their rents in full. If tenants were confessedly unable to crop their land how were they to pay the rent? The object of the late Government and Parliament was avowedly to keep the people from starving; and because they thought the best way of keeping them alive was by giving them employment through the landlords, they advanced money to the latter at little or no interest. Was the House now to be told that the distress was very much exaggerated, and that the people were quite able to pay their rents? And were they not only not to interfere with the landlord, but was he to be left armed with the power of evicting the people from the fields sown with the seed Parliament had lent them, in order that he might consolidate holdings and enlarge his farms? He did not think that any land-

lords would venture to say that they were to get £1,250,000 without interest for two years, and that seed was to be advanced to tenants for two years merely to enable tenants the better to pay their rent. He was glad to hear the hon. Member for Leitrim (Mr. Tottenham) say what he (the Attorney General for Ireland) had no doubt was perfectly accurate, that in the management of his own estate, with 400 tenants, he had never found it necessary to evict more than two. That was not only very creditable to the hon. Gentleman, but was an important fact in the consideration of this case, because it showed that the hon. Gentleman had been quite able to get his rents paid without eviction, and that the ordinary process of law was quite sufficient to enforce his rights.

MR. TOTTENHAM: It does not follow that I have my rents because I have held my hand. As a matter of fact, I have not got them.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) was rather disposed to think he had got them. However, it was proverbially difficult to deprive a Highlandman of his nether garments; and if the tenants did not pay this year, it was, he believed, chiefly because they were in distress and had not the means of payment. He knew many landlords in that part of the country who had got in their rents as fairly well as could reasonably be expected in such a year. The question, however, had been asked, was there any necessity for this interference? Was it the case that evictions had increased and were increasing? Turning to the judicial statistics, which were accessible to all, he found these facts. In 1876 the total number of evictions for non-payment of rent in all Ireland was 1,269; in 1877 they rose to 1,323; in 1878 to 1,749; and last year they rose to 2,667. But were they still increasing? Well, he had made inquiries of the Sheriffs of the five distressed counties of Donegal, Kerry, Galway, Limerick, and Mayo, and the result of his inquiries was as follows:—In 1879 the evictions in those counties were 623. This year, from January to June, the numbers were 453, which would make 906 for the year. So that, if there were a similar increase in other counties, the growth of ejectments for all Ireland would be from 1,269 in 1877 to 3,893

The Attorney General for Ireland

in this year. Was not that somewhat startling? It showed, he submitted, that the evictions were still increasing; but, putting the figures of this year aside as in some degree speculative, the statistics up to last year were sufficiently significant. Did it not seem inconsistent that the landlords, to whom the Government had lent £1,250,000 to keep their poor tenants alive, should take advantage of this season of distress and famine to clear farms and consolidate them? He ventured to think that landlords who promoted their interests in that fashion would find no compassion in that House. Proprietors who had by purchase or inheritance acquired properties in what they regarded as an excessively subdivided or over-populated condition, should be content to take the burden with the benefit. They could not ask the House or the country to allow them to take advantage of a year such as the past to effect that improvement on their estates which, in ordinary times, they would have had to pay for. The House would not, he thought, permit them to make that improvement for nothing, and not only for nothing so far as their pockets were concerned, but at a considerable cost to the ratepayers of the country. For, as his right hon. Friend the Chief Secretary for Ireland had told them, during the last few months a small army of police, over 8,000 in number, for whom they did not pay, had been employed in Galway alone to carry out evictions and serve processes, in order that by this help a few grasping landlords might enforce their pound of flesh, get back their land, and add farms to farms so as to get a class of larger tenants, in order to grow sheep instead of men. Proprietors who wanted to effect that operation should, he submitted, take some other time for it than a season like this. When starvation was staring the people in the face, and there were no means of paying rent, was that a time proprietors were to select for clearing their estates of surplus tenants and making larger farms? Now, he desired to point the attention of the House to the contrast presented by a distressed county in Ulster and a similarly distressed county elsewhere. There were no two counties in Ireland where there was more distress than in Donegal and Mayo. In the former, however, the tenant right prevailed, while in the latter it did not. It

was a curious fact, as might be seen from the Report of the Devon Commission, that in Mayo, in 1845, the right to sell the goodwill of a farm was almost universal, whereas now it was a thing unheard of. Still, in other respects the circumstances of the two counties were very much alike—alike in being distressed, in being occupied by small holdings, and in the fact that the small farmers who had been in the habit of working in England or Scotland at hay time and harvest were last year deprived of this source of income. Well, comparing them in point of crime, in Mayo there was an increase in the indictable offences from 125 to 319, while in Donegal the number of indictable offences were this year only 10 more than the previous year. This he thought was chiefly due to the absence of tenant right in the former county and its existence in the latter. They were the same people, the same race. [Lord RANDOLPH CHURCHILL: No, no.] The noble Lord the Member for Woodstock claimed to know all about them. He (the Attorney General for Ireland) believed the noble Lord went down there once or twice to fish; but he ventured to think that he knew Donegal somewhat better than the noble Lord, and he must take leave to repeat that the Western part of Donegal was in just the same state of destitution as the Western part of Mayo. The people in that part of Donegal spoke Irish just as they did in Mayo, and were, in fact, of the same Celtic stock. But how was it that the land agitation had not taken root there as it had in Mayo? He could not but think that the explanation was mainly this—that the wretched peasant of Mayo, whose ancient usage of selling the goodwill had gone, who had nothing between him and starvation but the workhouse, no tenant right, and, unlike the English peasant, no out-door relief even—knew that to be put out of his holding was almost death to him; whilst the Donegal tenant knew that if he was put out of his holding for non-payment of rent, or any other cause, he was still entitled to compensation for disturbance—he was entitled to the value of his goodwill; he had something to fall back upon, and he was, therefore, not reduced to the same point of desperation as the evicted peasant of Mayo. In Ireland, it should always be recollected, there was practically no poor relief at all for a man

unless he entered the workhouse; and what was now proposed in the present exceptional distress was that the landlord, evicting for non-payment of rent and refusing to make any reasonable arrangement with his tenant, should make him some compensation for thus harshly breaking up the poor man's home. It was a remarkable circumstance as regarded Mayo, that while there were a few large proprietors who were resident, 30 per cent of the area of the county, and 36 per cent of its value belonged to absentees. There seemed to be some confusion on the part of many hon. Members as to the effect of the measure now before the House. It was said by opponents of the Bill, and especially by the late Attorney General and the right hon. and learned Member for the University of Dublin (Mr. Plunket), that it would enable a tenant, while he paid the shopkeeper and money-lender, to resist the landlord's claim; but where hon. Gentlemen got that idea he could not imagine. He confessed he could not understand this objection, inasmuch as landlord and all had equally at their disposal the same means of redress—the right of appealing to the Courts of Law for obtaining their money, and the landlord, besides, could avail himself of his right of distraint. For this year of distress, and in distressed districts, it enabled the tenant, if evicted for non-payment of rent, to bring a claim before the Court, seeking compensation. To succeed in his claim, he had to show his inability to pay and that the landlord had refused all reasonable terms. But the position taken up by hon. Gentlemen opposite seemed to assume that the tenant must be a rogue and the Chairman a fool. Taking for granted, however, that the Chairman was a just and reasonable man, with a capable Judge of Assize to correct him on appeal, he could not see any reason for doubting that full justice would be done to every landlord. By the closing words of the 18th section of the Land Act the landlords were enabled to protect themselves by showing that they had offered the tenant to continue in his holding on reasonable terms, and that these had been unreasonably refused by him. Now, this Bill put the converse case; and if the Chairman was competent to determine what was reasonable for the landlord, surely he could

do the same for the tenant. The words "reasonable" and "unreasonable" were terms that had to be interpreted almost daily in regard to special contracts made by Railway Companies. Similar expressions were also to be found in a Bill brought in to amend the Agricultural Holdings Act by the hon. Member for Mid Lincolnshire and the hon. Member for Leicestershire. Hon. Members felt no legislative difficulties when dealing with Railway Companies. But then they urged that the latter were a monopoly. He was afraid that there were many profane people who considered landownership also as in the nature of a monopoly. The Bill simply gave the tenant some security against a harsh landlord. Supposing the present distress, which had called forth this exceptional legislation, should be intensified by a bad harvest, were they to understand that considerate landlords would enforce their powers of ejectment? It appeared to him that hon. Gentlemen opposite had forgotten the condition that under the Bill not only must the penniless tenant's proposal be reasonable in itself, but there must be unreasonable refusal of it by the landlord, before the Bill could operate against him. The landlord would be in at least no worse position with a new tenant than with the old one, and should rather be glad to put money into the pocket of the latter by letting him sell his goodwill, which would, at the same time, be a fair reason for refusing to let him continue in the holding, and thus prevent any liability under the Bill. The landlord had no right in such a season of distress to make the tenant forfeit his property in the goodwill. It was a principle of our law that penalties were never enforced, in respect of the payment of money, when parties could otherwise be secured their just rights; and a similar protection should, under the present exceptional circumstances, be afforded to the Irish tenant who could not pay his rent. Exemption from forfeiture for non-payment of a mortgage debt on a given day, or of a bond with a penalty, had been enjoyed by the landlords themselves for centuries; and if it had not existed, their mortgagees would be owners of their estates. It was urged that the power of forfeiture was necessary in order to get rent from the

Irish tenant; but he ventured to think that the Irish tenant was not so utterly wanting in all desire to do what was just and right as to refuse to yield what was fairly due unless under the terror of this fearful process. Suppose the Chairman found that a tenant was unable to pay his rent owing to the act of God—namely, through the existing distress—suppose it appeared that he had offered fair and reasonable terms to the landlord as to rent and arrears; suppose he had offered to pay as much as he could at once, and secure the payment of the rest by instalments, and that these terms had been not only refused, but unreasonably refused? Would any hon. Member in that House say he was anxious to protect the landlord acting thus unfeelingly and unreasonably? He believed, that after learning the facts which had been laid before the House by his right hon. Friend and others, hon. Gentlemen would allow that the measure was one that was needed for the present condition of Ireland; that it could only apply when there was reasonableness on one side, and unreasonableness on the other; and that they would pass it as a measure having for its object an amelioration of a state of things which had created serious discontent in Ireland, and rendered its government difficult in the extreme.

LORD RANDOLPH CHURCHILL moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(Lord Randolph Churchill.)

MR. GLADSTONE: I think, Sir, a considerable number of Members are desirous of speaking on the Opposition side of the House, and the consequence is that the Government will be anxious to give up next Monday for the discussion. Thursday is already disposed of; and as on Friday there would be but limited time for the consideration of the question, we think it best to give up Monday. I hope, however, it is understood that the debate will be concluded on that day.

MR. CALLAN: Surely the great distress at present existing in Ireland is of far more importance, and requires more instant attention and promptness in pushing forward measures for relief, than the question of admitting Mr. Brad-

laugh to this House. I urge on the Government the necessity of showing their appreciation of the grievous distress in Ireland by resuming this debate on Thursday, and not leaving it over until next Monday. To keep the Bill hanging on is not fulfilling the promise of the Treasury Bench, and I think it might be as well to go over until the end of the Session as to next Monday.

MR. GLADSTONE: I think the sense which the Government entertain of this question is shown by their giving up the first night they can, and that a Supply night. With regard to what has been stated by the hon. Member for Louth (Mr. Callan), he ought to bear in mind that this matter of Affirmation does not depend on us. There is another person concerned, and scenes may occur in the House if there is any postponement of that question which no one would like to see, and which we should all regret.

Question put, and *agreed to*.

Debate *adjourned till Monday next*.

It being now five minutes to Seven of the clock the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

MOTION.

SLIGO BOROUGH.—RESOLUTION.

MR. DENIS O'CONOR rose to call attention to the circumstances under which the Borough of Sligo was disfranchised; and to move—

"That it is desirable that the West of Ireland should be no longer deprived of its due share of Parliamentary representation."

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Nine o'clock.

HOUSE OF LORDS,

Wednesday, 30th June, 1880.

Their Lordships met;—And having gone through the Business on the Paper, without debate—

House adjourned at a quarter before
Two o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, 30th June, 1880.

MINUTES.]—NEW WRIT ISSUED—*For Plymouth, v. Sir Edward Bates, baronet, whose Election has been determined to be void.*

NEW MEMBER SWORN—Richard Lane Allman, esquire, for Bandon Bridge Borough.

SELECT COMMITTEE—Gloucester Election Petition (Judges' Report), *nominated.*

PUBLIC BILLS—*Ordered—First Reading—*Education (Scotland) Acts 1872 and 1878 Extension * [252].

*Second Reading—*Sale of Intoxicating Liquors on Sunday (Wales) [131]; Fixity of Tenure (Ireland) [144], Previous Question put; Statutes (Definition of Time) * [225].

*Select Committee—*Merchant Shipping (Grain Cargoes) * [168], Captain Price *added*; South Western (of London) District Post Office * [227], *nominated.*

*Considered as amended—*Local Government Provisional Orders (Ashford, &c.) * [122]; Local Government Provisional Orders (Bethesda, &c.) * [128]; Common Law Procedure and Judicature Acts Amendment * [229].

ORDERS OF THE DAY.

SALE OF INTOXICATING LIQUORS ON SUNDAY (WALES) BILL.—[BILL 131.]

(*Mr. Roberts, Mr. Richard, Mr. Samuel Holland, Mr. Hussey Vivian, Mr. Watkin Williams.*)

SECOND READING.

Order for Second Reading read.

MR. ROBERTS, in moving that the Bill be now read a second time, said, it was not his intention to enter upon the general question of Sunday closing,

which had been so recently under the notice of the House, and which he thought, it would be admitted on all hands, had been pretty well threshed out. He was quite sensible of the disadvantage under which he laboured in bringing forward a Motion somewhat similar in character to the recent Resolution of the hon. Member for South Shields (Mr. Stevenson). If that Resolution had been more specific, and if the Government had given any promise that, in the course of next Session, they would introduce a comprehensive measure dealing with the United Kingdom, he might not have pressed his Bill on the present occasion. The feeling in Wales was so strong, so thorough, and so unanimous, and there were so many complications and difficulties connected with the question of closing public-houses in England on Sunday that did not exist in Wales, that he felt it to be his duty to ask the House to lose no further time in passing a Bill which would be distinctly applicable to the Principality of Wales. There were two points he undertook to demonstrate. The preponderating opinion of the great majority of the people of Wales was in favour of this measure, and no sufficient reasons could be brought forward for objecting to the wishes of the people of Wales being carried out. All the religious denominations, the magistrates, and the boards of guardians were in favour of Sunday closing. Again and again they had petitioned the House. Nowhere was there greater interest felt in the progress of the Irish Sunday Closing Bill, which proved so satisfactory in its result, than in Wales; and he might say that the passing of the Irish measure, more than anything else, had prompted the people of Wales to ask for similar privileges for themselves. In North Wales a house-to-house canvass had been instituted for the purpose of ascertaining the opinions of the people with reference to the Bill now under discussion. According to the Census of 1871, the number of householders in North Wales was 101,500. Returns had been received from 78,600. If to the numbers an addition were made, on the one hand, for an increase of population, and if, on the other, a deduction were made for persons who refused to make returns, or who were absent from home, he believed he should be within the mark if he said that four-fifths of

the householders of North Wales had given a written opinion upon this question. Out of the 78,600 householders who had thus given a written opinion, no fewer than 75,668 had pronounced in favour of total Sunday closing; only 991 had given an opinion against it; and only 1,943 were neutral. In 37 of the larger towns of North Wales, 24,110 householders were in favour and 647 against, proving that the towns were very little behind the rural districts. In Wrexham, remarkable for the goodness of its ale, and where the publican interest was very strong, the Returns showed 1,691 in favour and only 119 against. A remarkable fact connected with the canvass was that it showed that the working classes were the most unanimous in favour of Sunday closing. These figures referred only to North Wales; but when the Members for the Southern District came to speak, there was little doubt that they would be able to give an equally satisfactory account for South Wales. During the first Session of this year 403 Petitions, signed by 175,300 persons, had been presented to the House in favour of the Bill. Up to the 22nd of June, in the present Session, 52 Petitions, with 28,334 signatures, had been presented; and other Petitions numerous signed had been presented since that date. In fact, he might safely say that out of 700,000 people of the age of 16 and upwards in the Principality of Wales, Northern Division, 250,000 persons had petitioned the House in favour of this measure, which, he might remark, was supported equally by both political Parties in Wales. It was true that the noble Lord (Viscount Emlyn), who represented in his own person all the Conservatives of South Wales, had given Notice of his intention to move the rejection of the Bill. He regretted to learn that indisposition would prevent the noble Lord from attending to perform that duty. The noble Lord, however, did not represent the Conservative feeling of either North or South Wales in this matter. At the last General Election not only all the Liberal candidates who were now Members had declared in favour of the present Bill, but most of the Conservative candidates did the same, and a similar course was pursued in South Wales. He was not sorry, in one sense, that the noble Lord (Viscount Emlyn) was not

there to move the rejection of the Bill, because his presence might give a Party aspect to the question where the Conservative inhabitants of Wales equally with the Liberal inhabitants were anxious for legislation in the direction proposed. When the Irish Sunday Closing Bill was under consideration great stress was laid on the fact that three-fourths of the Irish Representative body were favourable to that measure; but in Wales the proportion of Representatives was as 29 to 1, and it should be borne in mind that these Members very recently had been in close and constant relationship with their constituents, and, therefore, had the best opportunity of becoming acquainted with their feelings. All these facts which he had stated made out as strong a case as could possibly be presented to the House for legislation. What were the objections? It might be said that separate legislation for Wales was objectionable. But this could not be regarded as separate legislation, for the principle of the Bill had been recognized by the Legislature with regard to the United Kingdom, not only in Ireland, but in England, Scotland, and Wales, by sanctioning houses to be kept open in different localities at different hours, and making a difference between London and the rest of the country. All they asked was that in this Bill the House should recognize the principle recently affirmed by the present Parliament. Well, if they had separate legislation for London, why should they not have it for Wales? It was well known that the people of Wales had the reputation of being the most loyal, peaceable, and well-conducted of Her Majesty's subjects; and if Parliament passed this measure, it would not lessen, but, on the contrary, would strengthen, the ties which existed between England and Wales. The Prime Minister had laid down the principle that it was the duty of the Government to follow public opinion; and, looking at the facts before the House, he hoped that the Government would follow the public opinion of Wales on this question. There was no danger, so far as Wales was concerned, of legislation on the Sunday question being in advance of public opinion. This Bill was not brought forward by him as a crotchet, but at the earnest request of the people of Wales. He hoped that the Government would support the Bill. Had the Home Secre-

tary been present, he might have confidently appealed to him in favour of the measure, as the right hon. Gentleman had voted for the Resolution that affirmed the principle of Local Option. The passing of this measure would give them great satisfaction. It would tend to promote peace and order on the Sabbath, give a day of rest to the publicans, of which they ought not to be deprived, and conduce to the happiness and contentment of the people without causing serious inconvenience to individuals. The hon. Member concluded by formally moving the second reading of the Bill.

MR. RICHARD: I rise, Sir, to second, or, if that be unnecessary, to support, the Motion of my hon. Friend, and, at the same time, to congratulate him on the marked ability and success of the speech in which he has introduced the question to the House—of the speech which is, practically, his maiden speech. There is one advantage we have now in taking up this question of Sunday closing, and it is this—that we are not advocating a hypothetical good, for we have the benefit of 27 years' experience of the working of Sunday closing in Scotland, and we have considerable experience of the same thing in Ireland. The result of this Sunday closing has shown the plan to be, in every sense, satisfactory and beneficial. My hon. Friend the Member for Edinburgh (Mr. M'Laren) has furnished me with some facts in reference to the operation of this measure in Scotland, which amply confirms the statement I am making. He has sent me an official Report from the Procurator-Fiscal of Edinburgh prepared for the magistrates and council of the City, showing the results of Sunday closing so far as that City is concerned. The Report gives a table showing the number of cases of "drunk and incapable" on Sundays in Edinburgh from 1852 to 1878. In the year 1852, which was the year before the passing of the Forbes-Mackenzie Act, the number of people found drunk and incapable in Edinburgh on Sundays was 729; but in 1878 it was only 207. There was another Return showing the number found drunk between 8 on Sunday morning and 8 on Monday morning, and from this it appeared that in 1852 it was 401, and in 1878 only 67. But there is evidence with regard to the good effected in the

whole of Scotland. Bailie William Collins, Lord Provost of Glasgow, has taken great pains to collect statistics in this matter; and from his statement it appears that in 17 of the largest towns of Scotland, including Glasgow, Edinburgh, Dundee, Aberdeen, Leith, Perth, Greenock, and so on, the cases of drunkenness on Sunday during the three years before the passing of the Act in 1853 was 11,471, as compared with 4,299 in the three years after, showing a decrease of 7,172, or nearly two-thirds of the entire number. With regard to Ireland, the O'Connor Don moved for a Return of the number of arrests made on Sundays for drunkenness during the six months immediately after the passing of the Act in October, 1878, and a similar Return for the corresponding six months in 1877. The result was that in 35 counties the number of arrests before the Act came into operation was 2,364, and after the passing 707, showing a diminution of 70 per cent. We may, therefore, take it for granted as a fact established beyond dispute upon ample evidence and experience that the closing of public-houses on Sundays has had the effect of diminishing drunkenness and disorder and crime in Scotland and Ireland, and has had the further effect—we may safely assume—of adding largely to the domestic comfort of the working classes. Now, it is generally recognized that in questions of this kind affecting the moral and social condition of the people great weight is due to the preponderating opinion of the people themselves. This was the principle acknowledged in connection with the Irish Bill that we had so long under discussion in this House. The Prime Minister stated that this alone should have induced us to support the measure—the unanimity with which it was demanded by the Irish people. These were his words. He said—

"He held most strongly the conviction that, apart from the mere moral and social objects they had in view, the question was very important indeed whether on those subjects which they conceived to be of a local character—he meant local as opposed to Imperial—they were to give the same fair play to the people of Ireland—to have the same regard to their well-understood wishes which they would give to the wishes of the people of England and Scotland."

I only want to substitute the name of the people of Wales, and the applica-

Mr. Roberts

tion is perfect in all its forms. As my hon. Friend has said, the Home Secretary the other day adopted and affirmed the same principle. Now, my hon. Friend has given the House some very striking facts with reference to the state of opinion in North Wales regarding this matter, and he has referred to me as prepared to furnish somewhat similar evidence in regard to South Wales. Well, the evidence for South Wales was not quite so complete and so full of details as that with regard to North Wales, but it was sufficiently clear and conclusive. In November last a Conference was held in Swansea, presided over by the hon. Member for Glamorganshire (Mr. H. Vivian), which was attended by a large number of delegates from all the counties of South Wales, including men of all classes and conditions and creeds—Members of Parliament, magistrates, clergymen of the Church of England, Roman Catholic priests, Nonconformist ministers of all denominations, large employers of labour, and the representatives of the working classes. I myself presided over a public meeting in the evening, and I never attended a meeting at which there was more absolute unanimity and enthusiasm than there was at this meeting held to advocate the total closing of public-houses in Wales. The Petitions that have been presented from South Wales, with more than 100,000 signatures attached to them, also indicate the same state of opinion. I find that from Glamorganshire Petitions have been presented signed by 65,917, and from Carmarthenshire—the county represented by the noble Lord who has given Notice of opposition to the Bill—there have been Petitions signed by more than 18,000 persons in favour of Sunday closing; and it is deserving of remark that not one Petition has been presented from Carmarthen against the measure, nor, so far as I know, has there been from all Wales more than one Petition of an adverse character presented. Nowhere is the feeling in favour of the Bill stronger than among the constituents I have the honour to represent. In one large part of the borough I represent—the town of Aberdare—the subject has been brought to a crucial test by a house-to-house canvass; and here I must refer to a remark which fell from my hon. Friend

the Member for South Durham (Mr. Pease), in his speech the other night. He said, in endeavouring to diminish the weight of the Returns from the house-to-house canvass, that there were only 4,069 houses, out of a total of 6,500, visited by the canvassers at which replies were received. But that is not correct. The number of canvass papers filled up was 5,051, and this must represent nearly the whole of the inhabited houses in Aberdare, for I am sorry to say that, owing to great depression in trade, there were nearly 1,000 houses vacant at that time in that part of the borough. What was the result of this canvass of 5,051 houses? Why, this was the result. We found that 4,659 persons were in favour of Sunday closing, 210 were against it, and 182 were neutral, showing 92 per cent of the householders for closing, 4 per cent against, and 4 per cent neutral. Out of 85 publicans, 45 were in favour of closing on Sunday, and 25 were against, while 12 were neutral. An analysis has been made of the Return, showing the classes of persons who were canvassed; for it is constantly urged against this agitation that it is not promoted or desired by the working classes, but only by those who assume to be philanthropic champions of the working classes. Well, what was the result of the analysis of these Returns from Aberdare? Amongst those who gave this vote were 2,138 working colliers, of whom 1,976 approved of Sunday closing, while 91 opposed it, and 71 were neutral. Of artizan householders, 776 were for closing, 74 were against it, and 23 were neutral. Of labourers, hauliers, &c., 659 were for closing, and 28 were against it, while 24 were neutral. Of farmers, 33 were for this Bill, none were against it. Of railway servants, 176 were for, 10 against, and 14 neutral. This proves conclusively that the great body of working men themselves desire this measure to be carried. The same thing was the result when the canvass was made in other parts of South Wales. There was a house-to-house canvass made in Merthyr, Cardiff, Swansea, Haverfordwest, Aberystwith, Brecon, and in portions of Radnorshire, and this showed 93 per cent of the entire householders—including publicans—in favour of total closing on Sundays. All religious bodies in Wales are united on this

matter, and that is a significant circumstance, because so large a proportion of the people of Wales happily belong to one religious body or another, that an expression of opinion on the part of the religious bodies in Wales is an expression of opinion on the part of the great bulk of the people. The Church of England Temperance Society has pronounced in favour of the measure, also the Congregational Union, the Baptist Union, the Calvinistic Methodists' Association, and Wesleyan district meetings; all have proclaimed with absolute unanimity in favour of closing on Sunday, and they have all worked hard in getting up Petitions. Boards of guardians, town councils, school boards, boards of health, and various working men's organizations have united in the same expression of opinion. But then we are told you cannot legislate for one part of the country differently to the manner in which you legislate for another. The answer to that is—as my hon. Friend has pointed out—"You do that already." You have legislated separately for Scotland and for Ireland—nay, more, you have legislated differently for different parts of England and Wales; and the right hon. Gentleman the late Home Secretary, when he brought forward his Licensing Bill, said that he threw overboard the principle of uniformity altogether. And so we now come, as my hon. Friend has stated, representing the whole of the Principality of Wales—for with the exception of the noble Lord the Member for Carmarthenshire (Viscount Evelyn), and he is Member for that part of Wales simply by mistake on the part of the Liberals, all the Members from Wales support the Bill—the whole of the Representatives of the Principality are unanimous in soliciting this boon from the House of Commons. We ask for nothing that will do England any harm. On the contrary, if the measure passes it may do England some good by giving it a salutary example. We ask for nothing that will imperil the unity of the Empire or alienate Wales in any degree from the other part of the United Kingdom. We ask for power to deal with a great evil, which is corrupting our people, desolating our homes, and exercising a disastrous influence upon our highest social and moral interests; and if the House of Commons will grant us this

Mr. Richard

boon I can promise that they will add still further, if that were possible, to the contentment and loyalty of the most contented and loyal as well as one of the most moral and religious portions of Her Majesty's Dominions.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Roberts.*)

DR. KINNEAR said, he felt much gratified at the able manner in which the case for closing public-houses on Sundays had been presented to the House, and he would content himself with bearing testimony to the good that had been effected in the North of Ireland by the Irish Sunday Closing Act. This Bill had the unanimous support of the clergy of all denominations, and he trusted it would be carried.

GENERAL BURNABY said, that though he had presented Petitions in favour of Sunday closing, yet this was a subject which required much consideration. He questioned whether the Legislature had not already gone to the fullest tether of restriction, and contended that drunkenness was diminishing. No one, he felt sure, who had seen the smoking chimneys of a large manufacturing town would grudge the working man a glass of beer after his Sunday's walk into the country. He had visited the Northern States of America, and although the Americans were not a drunken people, he must say he observed more drunkenness there on Sundays than on other days; perhaps the stolen lump of sugar was the sweetest. If this Bill were passed he foresaw great difficulties in bringing the police to bear upon the people in this matter, as there was nothing to prevent the working man having his club and cellar key. He would remind hon. Members of the couplet—

"Muzzle not the ox which treadeth out the corn,
Nor grudge the honest labourer his pipe and
his horn."

MR. WARTON, in moving the rejection of the Bill, said, he did not wish to throw the slightest doubt on the sincerity of those who had taken the trouble to get up all the statistics which had been referred to; but the question really was, were they to have fractional or national legislation? They all highly respected and loved Wales; but, after all,

it was but a small part of England, and he hoped this Bill was not a prelude to a further national division such as their Irish friends had formed. This was an attempt to let in by a kind of side wind the principle of Local Option. If the working men were to be allowed to decide these questions by vote then there would be an end to legislation, and there would be set up in its stead pure democracy. He rose for the purpose of making a practical suggestion. If the feeling among the working men of Wales was so overwhelming in favour of total closing on Sundays, if out of 78,000 there were 75,000 against drinking on Sundays, why did they keep on drinking on Sundays? If there was no demand for Sunday drinking he should imagine the publicans, in their own interest, would shut up their houses, and so save the great expense of keeping them open. There were six-day licences in Wales as well as in other parts of the Kingdom; but no statistics had been placed before the House to show that there had been any increase in the number of that class of licences. The Welsh people were described as the most moral and religious in the country; and at the same time it was said that drink was desolating their homes. Unless that was an oratorical flourish he confessed he could not understand it. It seemed to him that the very excellence of the Welsh people rendered this measure unnecessary. As an opponent of Local Option, he begged to move that the Bill be read a second time that day six months.

MR. MONTAGU SCOTT seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Warton*.)

Question proposed, "That the word 'now' stand part of the Question."

MR. ARTHUR PEEL confessed that he felt some difficulty in rising to address what was, for the time, practically a Welsh Parliament. It was clear there was a very strong consensus of opinion on the part of Welsh Members and the constituencies they represented on the subject, and their unanimity was rendered more striking by the absence of the noble Lord who,

he believed, had intended to move the rejection of the Bill. He was informed, however, that the cause of the noble Lord's absence was illness, which he much regretted. He wished to enter a protest, which he hoped would not be misunderstood. He thought they were getting into somewhat of a strange position in regard to the licensing question generally. They had already passed a number of abstract Resolutions, and abstract Resolutions of a particularly abstract character. The other night the Resolution on Local Option was carried by a majority which he thought was unexpected, and which reversed the opinion come to by the last Parliament. They had also passed a Resolution on Sunday closing in uncompromising terms. It was quite true that immediately afterwards an Amendment was passed unanimously, or at least without a division, recognizing the importance of making a distinction between the country and the Metropolis, and of legislating specially for the Metropolis and for the requirements of particular districts in the country. But in the Amendment of the hon. Member for South Durham (Mr. Pease), which was accepted, there was contained a warning which ought not to be without effect on the House. That warning was that they were not to go beyond public opinion in this matter; and the hon. Member, in speaking on this Bill, had recognized that principle when he said that legislation ought not to be in advance, but if possible a little behind, public opinion. The danger of over-stepping, by however little, public opinion in this matter, was that they would excite a re-action out of all proportion to that slight excess, and would encourage opposition to measures which the House and the country now almost universally regarded as salutary in their restrictive operation. It was, perhaps, necessary to remind the House of what the Prime Minister had said, that the question of licensing would form an essential portion of the work to be done by the present Parliament, and the right hon. Gentleman went further, and said that in his opinion an integral portion of that measure would have to be Local Option. Now, by passing such abstract Resolutions as had been passed, and by passing this Bill, they would heap up such a multitude of recorded opinions of the House that it would be extremely

difficult to deal with the whole question when it was taken in hand. Hon. Members would, perhaps, say that it was a technical and official objection. He was aware that the point made by hon. Members from Wales was that this was essentially a Welsh question. But he did not know that it had been hitherto recognized that Wales should be treated in a different way from other portions of the Kingdom, and he could not but see great difficulties likely to arise from passing a Bill which laid down, in a sweeping manner, that all public-houses in Wales were to be closed during Sundays. In Ireland exceptions were made in favour of certain large towns, and in England exceptions would have to be made. Were there to be no exceptions made in Wales? ["No!"] All these things, which were accumulating on those who were responsible for dealing with the matter, tended to increase the difficulties of solving the Licensing Question. The Sunday Closing Question came up repeatedly; but, in his opinion, there was a great deal yet to be said with regard to Saturday closing. He recollected a learned Judge referring in these terms to drinking and its consequences on Saturday—"Why is it that all these offences and crimes are committed on Saturday? Because Saturday is wage day, wage day is drink day, and drink day is crime day." He (Mr. Arthur Peel) would ask the House where they were to stop? If they stopped the Sunday traffic in intoxicating drink altogether in an integral part of the United Kingdom, why should they not stop the traffic on Saturday? He had heard a consensus of opinion which had astonished him, and he felt the difficulty of resisting it. But for the reason he had given—that all these Resolutions increased the difficulty of ultimately dealing with the question as a whole—he could not vote for the second reading of the Bill. He did not wish, however, for a moment, to put himself in opposition to its principle, or in antagonism to the hon. Members who had spoken so strongly in its favour. He should not vote for the Bill on the simple ground that, if he accepted it, he should be imposing an obligation upon those who had to deal with the general question. Of course, if the House liked to accept the Bill, that would be a fact that must be taken into consideration, and the consensus of opinion from twenty-

nine-thirtieths of the representation of Wales, must be a powerful factor in considering how to deal with the question. He should not oppose the second reading, as he did not wish to be regarded as setting himself against the expressed opinion of the Welsh Members, or as wishing to hinder the great social and moral improvement which, for aught he knew, might result from the measure.

Mr. OARBUTT said, there could not be a better argument than the last Election to show that the Bill was not in advance of public opinion. He believed the public had made up its mind to have this temperance question settled, and settled in a very decisive way. He believed that he owed his return for Monmouth district greatly to his promise to vote for Sunday closing. In Newport, which was one of the contributory boroughs to Monmouth, he was opposed by the London Trade Organization; but in Usk three-fourths of the publicans were in favour of the measure. A deputation from Newport had an interview with the members of the Trade in Usk, and sought to induce them to vote against him, on the ground that he was in favour of Sunday closing; but the publicans of Usk replied that that was the very reason why they intended to vote for him. The question had been asked why the working men of Wales, if they disapproved of Sunday drinking, did not abstain. The simple answer to that was that, the temptation being there, they yielded to it. What they demanded was that the temptation should be removed.

Mr. BLAKE supported the Bill, and referred to the moral, social, and physical results of the Irish Sunday Closing Bill, which had been in operation nearly three years. The consumption of liquor had fallen off in Ireland £1,250,000 per annum, and the convictions for Sunday offences had decreased 70 per cent. Every Judge on the Bench for the last two years had strongly expressed his belief that that was owing to Sunday closing. It might be said that the decrease in the rate of consumption was due to the great distress of the present period; but during the Famine years of 1846, 1847, and 1848, there was a large increase in the consumption of beer and spirituous liquors. He therefore trusted that, as the results of Sunday closing in Ireland had been so

Mr. Arthur Peel

beneficent, the principle would be extended to Wales.

Question put, and *agreed to*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for To-morrow*.

FIXITY OF TENURE (IRELAND) BILL.

(*Mr. Litton, Mr. Dickson, Mr. Givan, Mr. Findlater, Mr. James Richardson.*)

[BILL 144.] SECOND READING.

Order for Second Reading read.

MR. LITTON, in moving that the Bill be now read a second time, said, he thought the question of land tenure in Ireland was of even more importance than that of distress, for the distress, though urgent, was temporary, while the former might be said to be a permanent evil, and concerned, to some extent, the causes of the very distress which was now prevailing. The question of land tenure was important also from the point of view of emigration, for the bone and sinew, which were the wealth of Ireland, were leaving it in consequence of the present state of the law. It was not alone the labouring class, who had no means, but the emigrants were the most independent and enterprising of the people—those who had sufficient means left to carry them to another land—in short, the emigrants were the very persons who should, if possible, be retained in Ireland. The unsettled condition of the Land Question tended to separate more widely, from day to day, the relations between landlord and tenant. It was to be regretted that the ties which ought to bind the occupier and the landlord together were becoming weaker and weaker; and he must confess that he was not altogether disposed to acquit from blame the hon. Gentlemen, many of whom he could respect and regard, who sat below the Gangway on the opposite side of the House, for, undoubtedly, the speeches of some of them had had a tendency to create distrust and alarm on the part of the landlords of Ireland, who naturally were driven to stand up for their rights, and were jealous of the position which they occupied; but who, if a different course had been adopted, would have been, he ventured to think, the first to come forward to endeavour

to find out some true and just measure of reform which might secure to the tenants the legitimate object of their aspirations. It might be said that the position taken up by the landlords rendered it impossible that this happy result could be attained; but he did not believe that—he believed the majority of the Irish landlords were anxious to see the Land Question finally settled, and they recognized that it was to their advantage that it should be settled, and that agitation on the subject should cease. To a certain extent they were willing to recognize, he believed, the rights of the tenant to a property in the land as regarded his labour and expenditure. The question was a difficult one, and it must be treated in a bold and, at the same time, in a just manner. No mere dealing with the fringe of the question would be satisfactory. Every failure to settle the question prolonged the agitation which was the misfortune of Ireland. All would agree with him in desiring that by bold, liberal, and honest legislation that agitation should terminate. It was the desire of every Irishman—and he included every man of what was termed the “Third Party” in that House—to see the relations of landlord and tenant work harmoniously. He was not one of those who thought there ought to be any confiscation of a landlord’s property or right. In his election canvass he never met with a single tenant farmer who asked for more than a right to occupy and to hold, at a fair rent, that property which he had acquired by his labour, and there was no desire to deprive the landlord of his right in the land. All that was asked was security of tenure and recognition of the right as regarded land which was acknowledged in regard to every other species of property—namely, that a man who converted raw material into a manufactured product had a property in the result of his industry. The tenant took the land as a raw material, and converted it into the manufactured article, represented by the soil, which produced the crops. The Bill now before the House was drawn with a view to boldness and justice. It was necessary, in explanation of the Bill, that he should call attention to the relations in which landlords and tenants stood before the passing of the Land Act of 1870. Before the passing of that Act, the landlords had power to turn

their tenants out at any time on a simple notice to quit, and without recognition of the labour or capital expended on the holding; but to their credit it might be said that, as a rule, that power was rarely exercised. It existed, however, down to 1870; and it formerly had been the habit of landlords, on receiving their rent, to deliver a notice to the tenant to quit, and the tenant had thus constantly hanging over him a notice under which his occupancy might be suddenly closed, and he might be turned out without any regard whatever to the fruits of his labour. But what was the right of the tenant? Why, he had no right; it was simply his duty to go. That being the relative legal position of parties, it seemed to him strange that the law should have existed so long in the country as it did. It could only be accounted for by the fact that the landlords were better than the laws. Any landlord acting in the way he had described simply appropriated the property of the tenant. In Ulster the position prior to the Act of 1870 was, according to the law, the same as it was in every other part of Ireland, though, no doubt, in most parts of Ulster, and especially on large estates, there was a recognition of a just equity between the landlord and tenant, which was the foundation of what was now called the Ulster tenant right. But that had only for its sanction the generosity of feeling entertained by the landlord. Under these circumstances, the Land Act of 1870 was brought before the House by the right hon. Gentleman who was now at the head of the Government; and it was not saying very much, because it had been already said over and over again, to assert that that was an Act of Parliament with which the name of the right hon. Gentleman would be for ever connected in the most honourable manner. That Act was complained of as having infringed the right of free contract; but he would ask the House to bear in mind that when hon. Gentlemen on the Opposition side of the House, and especially the hon. Member for Mid Lincolnshire (Mr. Chaplin), spoke of interference with the freedom of contract, and applied that trite and commonplace observation to the relation of landlord and tenant as it still existed in Ireland, they wholly misapprehended the position of the case. There was, in substance, no such thing as freedom of contract as

between landlord and tenant. There could be no reality in the objection of the hon. Member until he first established as between the contracting parties an independent position and equal rights. Talk about freedom of contract in such a case! Let the House fancy the miserable tenant of some 20 acres, who, by industry and frugality, had improved the letting value of his holding, and who, under notice to quit, went to his landlord or agent and asked why he was to be disturbed in his holding, and was told that he must go out on the roadside or to the poorhouse, if necessary, unless he conceded the demand of the landlord to allow an increase of rent, which increase was regulated by the improvement that had been affected in the holding by the labour and capital of the tenant. To say that that man, with the prospect before him of the charity of the workhouse, where he was separated from his wife and children, was in a position to enter into free contract with his landlord was an abuse of terms. The Land Act had advanced the question of land reform in a considerable degree. The Chief Secretary stated the other day that if that Act had not been passed Ireland would now have to be governed by martial law. He feared that unless another Land Act was passed far in advance of that of 1870 a like necessity might be found to exist in 1890; and he, therefore, asked the House to adopt generously, and in no grudging spirit, a principle which, he ventured to think, was a just principle—namely, that which would place the occupier of an agricultural holding in Ireland in that position in which it would be his interest to maintain, not merely law and order, but those good feelings which, to some extent, existed between landlord and tenant in the North, and which ought to exist and be fostered throughout the entire of Ireland. The House must be fully aware that in moving the second reading of this Bill his object was to elicit the acceptance of a principle. He could not, nor could any private Member expect to carry a Bill of this importance through the House. It should be a Government measure; but it was right that the anxiety which existed in Ireland to know what the House was about to do in regard to this Land Question should receive some greater recognition than the appointment of a Commission to inquire into the

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operation of the Land Act. They had had 10 years experience of that Act, and the result had been to show that it had not placed the relation between landlord and tenant upon that satisfactory footing which at the time of its passing it was hoped it might. He believed that the Chief Secretary had admitted as much the other day. The reason was that there had not been a recognition of the true principle which ought to guide the House in dealing with this question—namely, recognition to the full, legitimate, and logical extent of property on the part of the tenant in the fruits of his labour. After the Land Act was passed it was supposed that matters would improve. With respect to the Ulster custom the only thing which the Act did was to legalize that which already existed by custom; and, no doubt, it was a great matter to confer upon the tenant the legal right of demanding that which before depended upon the generosity of his landlord. But it was perhaps unknown to English Members that this legalizing of the Ulster tenant right worked in a very unequal degree throughout Ulster. There were many estates in Ulster; he alluded to the smaller estates, on which it might be said that the Ulster tenant right did not exist at all. On the larger estates, such, for instance, as the Downshire and Abercorn estates, the tenant right existed in its full extent; but throughout the great portion of Ulster the custom was unsatisfactory in regard to what were called “office rules,” which limited the right of the tenant as regarded the compensation that he could receive. The two things which the tenant class in Ireland wanted were a fixity in their tenure—that was to say, a right that they should not be disturbed, without their consent, in their holdings as long as they paid a fair rent; and a right of sale free from the restrictions imposed by office rules, which limited the compensation they had the right to receive. The compensation which they ought to receive could alone be tested fairly and honestly by a right of sale—by taking it to the market and asking the public to come forward and buy that which was proposed to be sold. The “office rules,” so far as they were worth anything to the landlord, were inconsistent with the true recognition of tenants’ right; and, therefore, the first

thing to which the House ought to devote its attention was to consider how far it was fair and reasonable to allow these rules, even under the sanction of this custom, to interfere with the property which the tenant had in his holding, recognized as it was, to a limited but not to the full extent, and which the tenant had a right to claim. Out of Ulster the Land Act provided what was supposed to be an equivalent to the Ulster custom—namely, compensation in case of disturbance. He was not going to touch upon the disputed question as to whether ejectment for non-payment of rent should be deemed a disturbance. Under ordinary circumstances and ordinary conditions of society, it ought not to be a disturbance, and he did not find amongst those with whom he had been brought into contact in the North of Ireland that there was any disposition to dispute the fact that when a tenant was unable or declined to pay his rent he should be liable to eviction from his holding. He would ask what were the faults of this Land Act? Mr. J. McDonnell, who was a competent authority in Ireland on the question of the Ulster tenant right, read a paper before the Statistical Society in January 1879, in which he said that the Land Act had legalized the Ulster custom, but it had not defined that custom, and had, therefore, in reality, done nothing to settle the question. The uncertainty, the feeling of distrust on both sides was as strong as ever. In some respects, indeed, stronger; for landlords were now more disposed to look for their extreme rights than before. Now, as before, a grasping landlord would gradually eat away the tenant’s interest, and a pushing tenant would often sell as his part of the estate of a good-natured landlord. It would be a fatal mistake to construct an Irish Land Bill on the lines of the Ulster custom, which it was impossible to define, and which did not give fixity of tenure, but merely imposed a fine upon the landlord for exercising his legal right as against the property of the tenant. It should not be a case of fine, but of prohibition. The landlord had no more right to sell the property of the tenant, unless the latter was willing to have it sold, than the tenant would have a right to insist upon buying out his landlord. Mr. Robertson, residing in the county of Kildare, had urged before the Royal

Commission at Dublin that it was necessary for the agricultural interests of Ireland that the tenants should have fixity of tenure at valued rents, and that the right of free sale should be conceded to them. The broad principle upon which the Bill was framed, and which he asked the House to accept as that upon which future legislation must be based, was a recognition of the existence of a property in the tenant in regard to the occupation of his holding, so long as he paid a fair rent, and the right of dealing with that property by free sale, unrestricted by any rules sought to be imposed upon him by his landlord—in Ulster or elsewhere. In seeking to give effect to these two leading principles, the Bill dealt with notices to quit, which constituted that form of legal machinery which from year's end to year's end kept the tenant in hot water. It prohibited the serving of notices to quit except in certain cases—namely, the case of a tenant who had failed to pay his fair rent, or who persisted in deteriorating his holding, or who sub-divided it. It would be manifestly unjust to deprive the landlord of his right to evict in these cases; but there was a provision in the Bill enabling tenants who were prevented by their landlords unreasonably from making a sub-division of their holdings to apply to the Court, which should have it in its power to permit a sub-division if it thought proper, subject to reasonable conditions. Some observations had been made on County Court Judges in Ireland, who were supposed by hon. Members to be—as the Attorney General for Ireland had denied—fools; but having a knowledge of most of those learned gentlemen, he was able to say that they were men of large experience, and high attainments, and were fully competent to carry out in a reasonable manner the provisions of any Bill that might be intrusted to their administration. The difficulty that had always existed on this subject was how to ascertain what was a fair rent, and that was a question upon which a good deal of difference of opinion existed. It had been suggested that the amount of fair rent should be decided by a jury. But the jury would manifestly either consist of landlords or tenants, which would be unsatisfactory. Then the alternative was proposed by taking six of one and half-a-dozen of the other; but such a

course would only result in no agreement being arrived at all. There was also an objection to arbitration, which would probably prove a cause for litigation. If the arbitrators did not agree, the question would be referred to an umpire, and from him it would ultimately reach the Courts of Law. It would be much better, therefore, that the case should go before the Court at once without any delay. It had been suggested the difficulty should be met by a new valuation of Ireland; but such a proceeding would occupy a considerable amount of time, and if the Bill was delayed by such a result the delay would be inconvenient. It therefore appeared to him, and to the hon. Members whose names were upon the Bill, that the proposal, with regard to ascertaining a fair rent, as set forth in the Bill, was possibly the best as a choice of difficulties that could be adopted. He pointed out the course of procedure, in the early sections of the Bill, by which the tenant could in a summary way apply to Court to have his rent reduced, and in the same way he allowed the landlord to issue a claim to have his rent increased to a fair rent. He then proposed that the rent thus agreed upon should continue for seven years at the least, or whatever longer period the House might think proper to fix, leaving it open to either the landlord or tenant to again claim to have the rent adjusted. This was no novel proposal, for on the adjustment of the tithe rent-charge the same system was adopted. The parties having come before the Court, he then proposed a method of procedure, which he thought would commend itself to hon. Members, for ascertaining, or rather helping the Judge to ascertain, what a fair rent was. He provided for the attendance of a valuator from the Valuation Office in Dublin, who should go down, examine the premises, and then give evidence on oath as to what, in his opinion, the value of the premises was. This evidence was to guide, not bind the Chairman. He further provided that the rent, to be deemed a fair rent, should be that which a solvent and responsible tenant could at the time of inquiry afford to pay fairly, and without collusion, for the premises after deducting from such rent—first, the addition to the letting value of the premises referable to any unexhausted and suitable improvements

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made by the tenant or his predecessors in title; secondly, any increase of letting value referable to the expenditure of labour or capital of tenant, whether the same be capable of being specified in detail or not, and the Judge should further take into consideration any variation in the average price of agricultural produce or stock, if evidence of the same should be offered. The rent so ascertained was to be the fair rent. The second part of the Bill contained provisions for securing the right of free sales, without regard to office rules, which had eaten away the Ulster tenant right. It had been urged on the other side of the House that such a principle would amount to confiscation of the landlords' rights; but he contended that if there existed confiscation it was the confiscation of the tenant's property in the soil. If the present confiscation of tenants' rights were prevented, the proper position of landlords and tenants would be established for the benefit of all classes of people in Ireland. The Bill, if passed into law, would make the provisions of the Land Act to work satisfactorily, inasmuch as the great need required beyond that provided by the Land Act was to enable the tenant to retain possession so long as he paid a fair rent. By the Land Act the tenant would obtain payment for improvements, and by this Bill he would obtain a fair and reasonable hold over his property, and freedom from disturbance. The principle, indeed, was, in a measure, recognized by the Land Act, and should, therefore, be supported by hon. Members opposite. There were certain alterations which would probably be made in Committee. He did not think it would be reasonable not to have some provision by which parties, if they thought fit, might contract themselves out of the Act; and, therefore, it allowed tenants occupying holdings of the value of £100 and upwards to contract themselves out of it. A man in possession of a holding of that value would probably be in a position of life in which he could stand upon his rights as against his landlord. He would also except from his Bill all leases over 99 years, and give power to limited owners to make leases for that period when they thought it advisable to exclude the provisions of the Act. He was sorry the Irish Conservative Members were not in their places on the oc-

casional, because he believed they were open to conviction, and because he wished to show them that this was a fair Bill, recognizing the principle of equity and justice between man and man. There were very few landlords in Ireland who, if they had their land thrown on their hands, would be competent to manage and develop it. The object of the landlord should, therefore, be to get a fair rent, and retain tenants who would be willing to continue their holdings on equitable terms rather than to endeavour to extort an unfair rental. One advantage of passing this measure would be that it would tend to diminish the loud and inflated talk—the “tall talk,” as the Americans termed it—which was indulged in by the Land League. The agitation which had existed during the last 18 months had, in his opinion, done positive mischief by chilling the hearts of Irish landlords, and prompting many of them to shut their purses against distress that might otherwise have secured their sympathy. If that agitation continued without abatement, it would simply widen the breach between landlords and tenants, and would place the former in a position of hostility towards the latter. The results no one would be able to foresee. The contest might be compared to the celebrated conflict between the Kilkenny cats. The landlords, on the one hand, would insist on getting their rents, and would throw off all compassion for the tenants, and the kindly feeling that existed before would be blunted. The tenantry, on the other hand, would have to fight their way upon whatever rights they now possessed, and the result would be to divide the country into two hostile camps. If the House would sanction the principle of this Bill he would be satisfied, and go no further at present than the second reading. He hoped that hon. Members on the opposite side of the House who were called the “Third Party” would support the Bill. Indeed, they were bound to support it unless they were biassed by the sentiment that it had not emanated from themselves, and he thought they were too generous to oppose it from such a motive. The measure ought to be regarded not as spoliation of the landlord, but as securing for him a permanent and fixed property without bringing with it the fear of agrarian

outrage. In his own early days a landlord was not afraid to walk about his property in the dark; but, at the present time, there was a decided fear of this kind in some parts of Ireland. Whether hon. Members came from Ireland or not, he would urge them to view the question as one of fair play. The right hon. Gentleman the late Chancellor of the Exchequer, writing to Lord Castlereagh on the 23rd March last, had denied that the Conservative Government were hostile to the Ulster tenant right, and that they were opposed to the basis of the Land Act of 1870. It was true that there had been a General Election pending then; but he did not suppose that the right hon. Gentleman had changed his views in the comparatively short time that had elapsed since his letter. He did not think he was asking too much when he asked the right hon. Gentleman and his supporters for their votes on the present occasion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Litton.*)

MR. P. J. SMYTH said, he rose simply to express the hope that the Government would see their way to give full and favourable consideration to this Bill, which embodied the true principles of tenant right. It extended to the whole of Ireland the incidence of the Ulster system. That system worked well in Ulster in the interest of both landlord and tenant. They were justified, therefore, in assuming that it would work well also in the other Provinces. The Bill had, besides, the conspicuous merit that it dealt boldly and comprehensively with a great subject, and in a way calculated to effect a settlement of a burning question. It was not desirable—it was most undesirable—that the Statute Book should be encumbered with a multiplicity of small Land Bills dealing piecemeal with a vast and complicated subject. The question should be dealt with as a whole in a large and generous spirit, and in one comprehensive measure, or, in his opinion, it should not be touched at all.

MR. J. N. RICHARDSON gave the Bill his cordial and hearty support, inasmuch as it dealt with certain grievances which, unfortunately, demanded legislation. During his short sojourn in that House he had found it a general opinion

that though in the Southern part of Ireland things might be in a very bad state, in Ulster everything was just as it should be. As the mouthpiece of Ulster tenant farmers, he was there to say that this was not the case in that Province—that they were not satisfied with the law as it stood. In Ulster there was great diversity of religious belief, and great difference in the class of people who cultivated the land. There were farmers as poor, perhaps, as those of Donegal, or of the West; but, on the other hand, there were hundreds or thousands of middle class farmers—yeomen—who were the backbone of any country; and during an extended canvass throughout the country, during the last Election, he had not heard, in public or in private, a single syllable about non-payment of rent, and he was referring not only to the well-to-do classes, but to the poorest and most wretched. He should be the last person to encourage such a cry; landlords were also Her Majesty's subjects and had their just rights. What the farmers said to him was—"We want to pay our rent; we acknowledge it is a debt we owe; but it ought not to be gradually raised when the increased value is the fruit of our own industry alone. If a town is extended, or a factory built, or a mine is found, the landlord is entitled to raise his rent; but we ask the Legislature to prevent the landlords taxing our own industry as has been done, and we do ask that we shall have the freedom to sell the tenant right or the goodwill independently of the restriction of any office rule." The provisions of the Bill would meet these two cases. English Members might say—certainly English gentlemen outside the House often said—that if an Irish tenant were not satisfied to pay the advanced rent he might pack up his traps and go; and this would be a very proper answer if the tenure was similar in its nature to that of England and Scotland. The difference, however, was sufficiently marked to need no comment. In Ireland, houses, buildings, stables, offices, were in many cases built, and many improvements were made by the tenant, without assistance, and yet if he went away he had to leave all behind him. It was the anomalous double ownership that had grown up which made the Irish Land Question one so difficult to deal with. If this had been the first time the State

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interfered with private contract, he would have been very cautious in supporting the Bill; but in 1833, when the Factory Act was introduced, contracts had been seriously limited, the working hours for women and young people being reduced to 10 per day. In 1874 the Government had further reduced those hours to 9½. At the latter period he had gone to France and Belgium with the view of ascertaining how the factories of the North of Ireland were to be enabled to compete with those of the countries named; and he had come back, having been courteously received by both French and Belgians, and having been allowed to inspect their books, convinced that at the rate of 10 hours a-day the North of Ireland could just compete with foreign manufacturers and no more. He regretted that the hon. Members for Belfast (Mr. Ewart and Mr. Corry) were not present, because he thought they would have corroborated this statement; but he believed that events themselves had amply justified the conclusion at which he had arrived. He did not wish to find fault with the Act passed in 1874; but he wanted to show that the Conservative Government had, to a very considerable extent, interfered with private contract, and that the measure now before the House did not set a precedent in this respect. Landlords in Ireland had got a very bad name at the present time; but he was sure that many of them would be glad to have the odium removed from their shoulders to the Court, which would intervene, by the provisions of this Bill, in cases of disputed rent. With regard to the operation of the Bill against the grievances of restricted sale of tenant right, he would mention just one case of the latter description to the House. In 1867 a man named John Wilson had held a farm of 80 acres on a certain estate. He built the dwelling-house and offices, thoroughly drained the land, and then informed the agent that he proposed to offer his tenancy for sale. The agent said he might do this, but required that he should not take more than £10 an acre. A man named John Robinson wished to purchase, and agreed to give £1,400 for the tenant right; but the landlord's agent said that Robinson must sign an agreement binding him to give up the farm, if the landlord wanted it at any time, and not to receive more than

£10 an acre. Robinson naturally refused to buy the tenant right on this principle, and the result was that Wilson had to sell his 80 acres of land for £600 less than he otherwise would have received. An hon. Member had spoken about confiscation the other evening. If the House wanted to know what confiscation was, here was confiscation pure and simple. He could conceive nothing more calculated to make an industrious man lazy, or a tenant farmer thriftless and untidy, than to tell him that however he might toil, sweat, or dig, his land should be worth only a certain price and nothing more. There was nothing visionary or wild in the proposal of his hon. Friend the Member for Tyrone (Mr. Litton). The Irish peasant had a love for his home which was very strong; so strong, that it stood in the way of his interest at times, and that of his family. Still, he (Mr. Richardson) could sympathize with that feeling, for he had travelled as far as Russia in the East, and America in the West, and yet found no place for which he would exchange his Irish home; and if he could do anything to aid his brother countrymen by supporting a measure such as this, or a better Government measure, he would be very happy to do so.

COLONEL COLTHURST said that the Bill contained a principle on which alone, in his opinion, the Irish Land Question could be settled. It had frequently been asked why, in respect of Irish land, freedom of contract between man and man should be interfered with? The answer was that, in the case of 75 per cent of the poorer class of Irish tenants, such a thing as freedom of contract did not exist, and that was owing to what had been called the land hunger existing in Ireland. The inordinate desire to obtain possession of land led to what would be considered very uncommercial dealings with a view to obtain it. A small farmer wished to rent several farms. On one of these he lived, others he let below their value to dairymen, keeping them in reserve for his family, and thus diminishing the supply and increasing the demand. How was that state of things to be met? It could only be met by some tribunal which would step in between the landlord and tenant and say what was a fair and reasonable rent which should be paid for each holding. The Bill before the House would extend the Ulster

custom of tenant right; and if the Government were willing to adopt the principle of the Bill, perhaps his hon. Friend the Member for Tyrone would do well to withdraw his Bill.

MR. P. MARTIN said, that during the late Parliament his Friend Mr. Isaac Butt had exhaustively explained, and on several occasions submitted to the consideration and judgment of the House, the principles on which, the great body of the Irish Members contended, the Land Question in Ireland could alone be satisfactorily settled. During these discussions the Members of the present Government must have acquired sufficient knowledge to enable them now to give expression to their views and opinions in respect to the present Bill. It certainly, in the present state of Ireland, was most desirable that the Chief Secretary should indicate, at least, in general terms, the principles which he conceived should be adopted in future legislation in the direction in which Her Majesty's Government proposed to amend the Land Act of 1870. He concurred with the hon. Member for Tyrone in the statements he had made as to the failure of the Land Act of 1870 to give effect to the intention of the framers of the measure. So long as this principle of compensation for disturbance was adhered to, and security of tenure, so long as he was willing to pay a fair rent, was denied to the Irish tenant, so long would there be discontent and agitation. He could not say the provisions in the Bill, in respect to the tribunal to ascertain and fix the rent as between landlord and tenant, were quite satisfactory; but they proceeded in the right direction in taking away that uncontrolled power now vested in the County Court Judge. He would ask the House to look at the consequences of the present system in Ireland. A tenant in one county might obtain by the decree of the present tribunal a fair and satisfactory sum as compensation; but in another county the Judge, adhering strictly to the Act of Parliament, might give an award which the tenant would receive with a sense of injustice. The result had been but too frequently to produce grave discontent, arising from the uncertainty of the decisions. There were cases on record in which the compensation had been valued at £700 or £800 by most competent witnesses, whose evidence the Judges in

some counties would have accepted; yet the County Court Judge had awarded only some £70 or £80. This uncertainty checked the execution of improvements by the tenant. He therefore thought it would be wise on the part of Parliament to put an end to a great portion of the litigation of that character by adopting the principle of the present Bill, which left the question alone for the decision of the tribunal a question of rent. The House might look on what had been the practical effect of the Ulster custom in Ulster. The Chief Secretary had shown, in the strongest and most convincing manner, the beneficial effects which security conferred under the Ulster custom, and had shown what a remarkable contrast the counties where tenant right prevailed presented to the other parts of Ireland. Why not remove the burning grievance? Why not extend the benefits which the Ulster tenant possessed, so that they might be enjoyed over the whole of Ireland? This tenant right question was one of such importance to the whole of Ireland that it ought to be dealt with comprehensively and in one Bill; and he thought his hon. Friend the Member for Tipperary (Mr. P. J. Smyth) was right in deprecating the introduction of a number of small Bills, and in enunciating the principle that it was the duty of the House to deal with the question once for all, and in a comprehensive fashion.

MR. FINDLATER: Sir, this Bill, if passed into law, which I hope it will be, will go far to settle the Land Question. It has, I firmly believe, been carefully prepared so as to avoid any injustice to either landlord or tenant. In Ulster the great benefits conferred by the Land Act of 1870 have been seriously interfered with, if not largely abrogated, by three great grievances. The tenant farmers with one voice complain of the hardships they suffer from want of certainty of tenure, fair rent for their holdings, and the right of free sale. They say, why should we, who have made the land what it is by the sweat of our brows, and by unremitting industry, be obliged to leave our holding at any moment the caprice of our landlord says we should? Why should we be compelled to give up the homes of our forefathers, hallowed by many family associations, if we happen to offend our landlord in any way? It is true we shall

receive compensation if we do; but no money payment would atone to us for the severance of those ties which bind us to the home of our childhood and the place we have made what it is by our own toil. Surely, Sir, there is nothing unnatural, unreasonable, or unfair in this feeling. The tenacity with which the Irish tenant clings to the soil is well known. It may be foolish. It might be wiser, perhaps, if he sought some other occupation, political economists may say; but the fact exists and must be dealt with. Landlords possess the power of evicting their tenants, if they offend them in any way, without assignment or reason. Is that right or fair? The majority of landlords would not, I firmly believe, take advantage of this arbitrary power. There are exceptions, however, and, I regret to say, many exceptions. The tenant should be guarded against those unjust landlords who may come over him at any time. The present landlord may be an excellent, kind, and thoughtful man, who would do nothing unfair or unjust; but his successor may be the reverse. It is to compel the unjust landlord to do what the good one performs of his own free will that we ask you to pass this Bill. In the county I represent, the tenants told me over and over again—and I saw many of them during my canvass from one end of the county to the other—that they wanted nothing unfair or unjust. They only desired fair play as between man and man, and to be protected by the law from being disturbed in their holdings so long as they paid their rent, and performed the incidents of their tenure. They assured me they were no revolutionists, and had no desire to take the land from their landlords by force or without payment; but they hungered for release from the vile state of serfdom in which their present condition of uncertainty of tenure placed them. One and all expressed a strong and earnest desire to acquire the perpetuity of their holdings free of rent by buying out, and not expropriating their landlords, if the State would give them assistance to become the purchasers; but like thoroughly reasonable and sensible men they recognized that that could not be done in a moment. They, however, looked forward hopefully and earnestly to the State's speedy action in the matter. One of the understood incidents of Ulster tenant

right, as admitted by Judge Longfield in *The Cobden Club Essays*, is given in the following words:—

“It is expected that as long as the tenant pays his rent the landlord will not use his legal power of putting an end to the tenancy.”

In moving the Legislature, therefore, to pass this portion of the Bill, we are doing no more than asking them to affirm by written law that which at present exists by the unwritten code of Ulster tenant right. Now, with respect to the second grievance, that of rents arbitrarily increased from time to time, the Ulster tenants say, although they expend their labour and money in improving the land, which constitute their holdings, when they have made them more valuable by more expenditure, it is adopted by the landlord as an excuse for raising the rent. On some estates it appears to be the practice of the office which manages its dealings with the tenants to treat the coming in of a new tenant such as the son of the old one as a sale, and to put an increased rent upon him. The tenants deem this unrighteous and unfair, and cry aloud for redress. Is there aught unreasonable in such an outcry? Well may they say what encouragement is there given to us to exert ourselves and make improvements, when the result of our exertions is only to increase the rents we pay? Surely that is a state of affairs which ought to exist no longer, and cries aloud to Heaven for redress. In common fairness between man and man the honest tenant should be secured against having the fruits of his industry unjustly appropriated by his superior landlord. The last great grievance is the want of the right of free sale of their holdings by the tenants of land in the Ulster counties. On many of the estates in Down, Antrim, and Monaghan, there exist what are called official rules. These abominable rules materially affect the right of free sale by the tenant of his interest in his holding, and prevent his getting the full market price for the interest, the value of which is the produce of his own industry. Those rules vary on different estates; but, by their provisions, the price which the tenant can take for his holding is fixed, and the peasant to whom he sells must be approved of by the landlord. The prices fixed on different estates vary from £2 to £10 an acre.

An illustration of the injustice done by this system will better explain to the House its unhappy and unjust effects than any words of mine. In the course of my canvass I was at the town of Carrickmacross, and one day in the street a tenant farmer addressed me, and after some preliminary remarks told me this story. He said—

“I have no reason to like my landlord, although he is not a bad man. My little place that I had made with my own hands I desired to sell, and I bargained with a man, a friend of mine, to give it to him for £300. That was a good price, it was £20 an acre. When I went to the office to carry out the sale they told me they could not allow me to take more than £10 an acre, and that I must sell to a man of theirs. As I had to get the money, I was obliged to take £150 for my farm, and the second tenant was charged an additional rent of £7 or £8.”

It would thus seem the landlord had capitalized and appropriated one half of the tenant's property by the imposition of this additional rent upon the new comer. Hon. Gentlemen on the other side of the House have talked a good deal of confiscation lately; but, to my mind, no more glaring instance of the confiscation of one man's property by another need possibly be cited. This is not a single case, bear in mind. In my journeys through the country where I was told this story, other tenant farmers on hearing said—“There is my case.” “My case was worse than that.” Is it not time to remedy such an injustice as I have told you? Our Bill, if you pass it into law, will do it. To satisfy the House as to what is thought about its provisions, if I may be permitted I will read a letter which I have received from an ex-County Court Judge who has recently retired, and who had a large experience of the working of the Land Act in a Northern county. He has been examined before Committees of this House upon the Land Question, and his administration of the law during his tenure of office gave universal satisfaction. He says—

“I did not expect you would have got your Land Bill forward so soon. It seems to have met with very general approval in the North, and, if carried in its entirety, it should satisfy all reasonable people. The great difficulty I see is the tribunal for fixing the rent. Too much is left to the discretion of the Chairman and to the Judge of Assize or Appeal. The form is very uncertain, and depends entirely on who the Chairman is. The latter is a very hurried and often a capricious hearing. The appeal should certainly not be left to a single Judge. Many

Mr. Findlater

suggest an arbitration, with the Chairman as umpire and in appeal. Throughout Down and Antrim what are called office rules are spreading. I had great difficulty in keeping them in check. On some estates there is a limit of from £2 to £10 an acre. Some landlords claim an absolute right of objection to a purchaser, without assigning any reason. Some insist on having an adjoining tenant as the purchaser. Another mode of interfering with the tenant right is by informing the purchaser when he offers that as he is able to give so much the land must be too cheap, and he is informed that if he buys the rent will be raised. No doubt the tenant can claim for disturbance, when too much rent is demanded; but I need not tell you no one likes to purchase a law suit. Most of these rules are of modern introduction, and if not abolished the tenant right in the North will be worth nothing in a very short time. The 18th section of the Land Act (the Equity Clause) is a fruitful source of irritation. It places a very formidable power in the hands of a Judge who is not in favour of the Land Acts. If Mr. Gladstone's inquiry into the working of the Land Act is well conducted all those objections will come out, and show the absolute necessity of an extensive amendment.”

Now, Sir, there is the strong expression of the opinion of an able and competent Judge in favour of the settlement of the Land Question proposed by the Bill now before the House. It will, I am sure, also command the House by the testimony of a competent and independent observer how injurious the office rules sought to be abolished are. There can be no doubt the Land Act was never intended to legalize this. Permit me, upon this point, to read to the House the words of the right hon. Gentleman at the head of Her Majesty's Government, in that splendid speech in which he closed the debate upon the second reading of the Bill which was carried into the Land Act of 1870—

“The right hon. Gentleman (Mr. Disraeli) says . . . that our legislation with regard to the Ulster custom, legalises the private arrangements on every estate in the North. . . . There cannot be a greater—a more fundamental misconception of the whole matter. The Ulster custom is not a private rule that each chooses at any time to establish. A breach of custom is not a custom. An established custom is a thing well understood as such, and perfectly capable of receiving a legal meaning and interpretation when it is investigated as a matter of fact. Wherever a particular proprietor or an agent chooses to set up a rule which, though it be enforced on the estate, is in derogation of custom, and which has not itself subsisted so far as to acquire the character of a custom, it is condemned as a private and arbitrary practice, and is overridden by the custom the authority of which will be exerted and enforced against it.”
—[3 *Hansard*, cxcix. 1839.]

Sir, this was the opinion of the great statesman who framed the Act. It shows what his intentions were. The facts I have stated prove that in practice they have been frustrated. Pass this Bill, and the Ulster tenant will get the benefit of the firm, unalloyed, and comprehensive custom to which he is entitled, and not have it frittered away, if not abrogated, as it is at present, by the obnoxious office rules. I conclude by saying on behalf of the sturdy tenants whose cause I have pleaded—"We'll keep our customs. What is law itself but old established custom? * * * All things resolve in custom. We'll keep ours."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that the question before the House was, no doubt, a grave and serious one—one as to which, it was said, the House would like to know the opinion of Her Majesty's Government. The Bill of his hon. Friend was an attempt to solve the Irish Land Question, and that in a very simple form. It embodied the principle which was popularly known as the "Three F's"—namely, free sale, fair rents, and fixity of tenure; and in that form it proposed to extend to the rest of Ireland the Ulster custom. Now, though it might be desirable to extend that custom, he (the Attorney General for Ireland) thought the House could hardly at that moment expect the Government to announce their views as to what should ultimately be the form that the solution of the Irish Land Question should assume. The Government had already stated that it was their intention to immediately issue a Royal Commission to inquire into the working of the Irish Land Act of 1870. The Commission would inquire into the whole question; and, that being so, he thought the House would deem it rather premature and somewhat rash if, before the Commission had inquired, much less reported, the Government were to announce the conclusion at which they were likely to arrive. The proper and wise course was to wait till the Commission had reported, and meantime to decline to express any opinion on the subject. His right hon. Friend the Chief Secretary told the House a few days since that the Commission would be issued at once, and that he hoped to pass a temporary measure for the present year, leaving the

House entirely unpledged as to future legislation, adding that it would be quite open to them—if that was the opinion of the majority—to leave things as they now were. It was, in fact, necessary, in order properly to deal with the question, that the Government should have further information; and it would be forestalling the Report of the Commission if they were now to pronounce any opinion as to what the true solution of the Irish Land Question might be. The necessity for inquiry had been admitted by the appointment of a Committee of the House of Lords for the purpose only two years after the passing of the Act of 1870. That Act had since been in operation for eight years more, and an opportunity was thus afforded of obtaining a valuable amount of information which would, he hoped, enable Parliament finally to decide as to the proper mode of dealing with the question. The Government, however, could not at present pledge themselves to any opinion on the matter. He hoped that the hon. Member who had moved the second reading of the Bill would be content with the expression of opinion which his able speech had elicited from many Members of the House. Perhaps, before the debate concluded, they might hear the opinion of some hon. Gentleman on the Opposition Bench, and then he trusted that his hon. Friend would be content to withdraw his Bill for the present, leaving Parliament unpledged and free to deal with the question as it might think best when it had adequate information before it. He could not undertake to support the measure, nor could he give any pledge on the part of the Government that they would deal with the subject in the sense desired by the promoters of the Bill.

MR. GIBSON said, he did not think it was at all unreasonable that hon. Members should desire to know what line the Government intended to take with respect to the Bill. The right hon. and learned Gentleman (the Attorney General for Ireland) seemed to complain, and with rather an injured air, that he had not got a lead from that side of the House as to the course he should adopt, and he made rather an *ad misericordiam* appeal to the hon. Gentleman who moved the second reading of the Bill to decide the matter for himself, and thus relieve the Government from a difficulty—to be

satisfied with the discussion which had taken place, with the able speech he had made, and to rest and be thankful upon his laurels. The Government had not approved the Bill; but they had not disapproved it; all that they said was—wait a little longer. The whole tendency of the speech of the right hon. and learned Gentleman was to give this advice—Wait; a Committee of the House of Lords had made inquiry in the past—a Commission was able to make further inquiry in the future; the Government needed information, and having got it they would consider it, and act upon it either by doing something or by doing nothing. They were to have the widest possible discretion to act or not to act. But, having appointed that Commission, they would stultify themselves if they practically took away from the Commission all discretion by now assenting to the second reading of the present Bill, which dealt with pretty much every topic raised in the Land Question. The right hon. and learned Gentleman was in error when he stated that a Royal Commission had been appointed in 1872 by the right hon. Gentlemen now on the Opposition Benches; the fact was that the right hon. Gentleman opposite was in power in 1872, and therefore the Opposition did not appoint the Royal Commission of that year.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): It was not a Royal Commission, but a Select Committee, appointed by the House of Lords.

MR. GIBSON: Very well; but then the right hon. Gentleman was Prime Minister. The Bill now before the House for second reading was not dealing with the Counties of Tyrone, Armagh, or Monaghan only, nor with the whole of Ulster; but it was intended to refer to the whole of Ireland. He (Mr. Gibson) would not discuss the Bill, as his right hon. and learned Friend had not discussed it; but this he could not refrain from saying—from a lawyer's point of view—that this was a splendid professional Bill, and that if it were passed it would be productive of universal and everlasting litigation. He reserved to himself perfect liberty of action in dealing with and criticizing whatever proposal might be hereafter made by the Government, if any were made. Meanwhile, he supposed the hon. Gentleman would act on the advice so delicately given to him and withdraw the Bill.

Mr. Gibson

[“No!”] Well, he presumed the hon. Member was of age and could answer for himself. If he did not withdraw the Bill, but went to a division, the House would probably be favoured with a further announcement from the Treasury Bench, and perhaps the Government might be forced to come to a rapid decision.

SIR PATRICK O'BRIEN thought that the House ought to have received some indication from the Government as to their views with regard to the Land Question raised by this Bill. He did not expect that the Government would have accepted the Bill of the hon. Member for Tyrone, but was entitled to have some opinion from the Government. The question which this Bill treated was one upon which he had pledged himself at the hustings more than once; but it must be remembered that there were in Ireland landlords and landlords. There were men who had not derived their land from confiscation; there were some also, like the O'Connor Don, who obtained their property by hereditary descent, and there were others who had obtained land through their own industry; and it was not by the cry of “landlord and tenant” that that great question was to be decided, if it had to be decided, on the inimitable principles of right and justice. He wondered why the Conservative Party, by the lips of their mouth-piece, had not given some indication of the line they would take in regard to such a Bill as that proposed by his hon. Friend. They would not, however, venture an opinion on the matter, struggling, as everyone knew they were, for a miserable feudal position in the country that any man of intellect would despise. Treating the question, as many would no doubt treat it, as a mere commercial transaction, what landlord would say, if he had a tenant from whom he received the value of the land in the nature of rent, and if that tenant wished to sell his occupation to another, it was not a fair commercial transaction? He had promised his constituents to give such a Bill his support; and though it was a measure which should not be hurried it was right for the hon. Member for Tyrone to take the opportunity presented of obtaining the opinion of the House, and thus to offer material to the Government for their use in the coming

Session on the introduction of a new Land Bill.

SIR HARCOURT JOHNSTONE said, that this Bill was Conservative in the highest degree as compared with the Bill for the Relief of Irish Distress, as to the passing of which through the other House this Session he had much doubt. If no measure of the kind were passed this Session, he feared that much violence would result. In the part of the country with which he was connected in England, there was practically fixity of tenure and fair rents, and the system was eminently successful. What was a success in the one country surely would be so in the other. He could not approve of the conduct of the occupants of the two front Benches, who contented themselves with taunting each other without taking any active steps for the settlement of this question. What were those hon. and right hon. Gentlemen there for if they had not the courage of their convictions? In supporting this Bill, he had no object in view except the thorough pacification of Ireland; and he was convinced that the only way to secure that pacification was to so amend the Land Laws as to bind the landlords and tenants together for their mutual benefit.

MR. SYNAN ridiculed the idea of the Government having issued a Royal Commission to inquire into the principles involved in this Bill. The duty of a Royal Commission was to inquire into facts and not into principles. He thought the Government ought by this time to have made up its mind whether they were to adhere to the principle of the Act of 1870, and merely give compensation for disturbance, so as to secure the tenant; or whether, for the purpose of settling the question, they ought to adopt the Ulster custom, and extend it to the rest of Ireland. At all events, he supposed they would hear from the Chief Secretary in what direction they would act, and whether the present Bill contained any principle upon which the Government might shape future legislation. In his opinion, the present Bill gave ground upon which the question might be settled. It had been said that the Bill was a professional Bill; but, in his opinion, it was an anti-professional Bill. The landlord would know that if he attempted to raise his rents at all unfairly he would have to go into the County Court; and he believed the apprehension

of that would prevent landlords from raising their rent unjustly. He thought the principle of the Bill, setting forth as it did the three principles upon which the Irish people wished the matter settled—namely, fixity of tenure at fair rents with free sale—was a principle upon which the future amendment of the Act of 1870 must be shaped. That principle was accepted by the Government last Session, and now the right hon. and learned Member for Dublin University (Mr. Gibson) had nothing to say on a Bill the principles of which his own Government last year accepted. He apprehended that the Government had an excuse for waiting for the result of the Royal Commission; but, at the same time, he thought they ought to accept the principle of the Bill, leaving the details of the measure to be settled when the Report of the Commission was issued.

MR. W. E. FORSTER: The hon. Member who has just sat down asks me, I think, a rather unreasonable thing. He asks me that we should say now what are the principles of the Land Bills which are to be brought forward next Session. I must really decline to do any such thing. I can hardly think the hon. Member will expect me to do it. He surely cannot think that a person in a Ministry responsible for Irish affairs should suddenly, on a Wednesday afternoon, without the opportunity of consulting his Colleagues, bind the Government to the principle of a measure such as this before the House. The hon. Gentleman, in introducing this measure, had, with great clearness, stated his plan for altering the law; and it is, undoubtedly, a plan which finds much favour among certain classes in Ireland, and the enormous importance of which I do not think can be overrated. The principle of that plan, as I understand it, is that the amount of the rent of land in Ireland is to be fixed, not by the landlords or the tenants, but by arbitrators, and that there is to be fixity of tenure upon payment of the rent so ascertained. This principle has been well discussed this afternoon, and the proposal of the hon. Member has received considerable support, and especially from the hon. Member for Scarborough (Sir Harcourt Johnstone), and that it should be supported by an English landowner in the position of the hon. Gentleman is an argument very much in its favour. But

I maintain that the Government would be doing very wrong in a matter like this to express their decided opinion when they know, and the hon. Member who brings this measure forward knows to a certainty, that the Bill could not possibly be passed into law this year. If that be the case, we certainly ought to be allowed to keep ourselves free to consider the question in all its bearings; and the House ought not to be committed to a measure which, while held up to the people of Ireland as satisfactory, could not be passed into law this year. The position of the Government is plainly this, and we have not in the slightest departed from it. At the beginning of the Session we thought the position of the Land Question in Ireland was one more than anything else in Ireland demanding the closest attention of the Government, to which we were committed, and, indeed, the attention of any Government. We did not pledge ourselves to bring in a measure; but we did pledge ourselves most seriously to consider whether a measure ought not to be brought forward; and we stated that we did not conceive that in this short Session, having only just taken Office ourselves, that we could attempt to make up our minds as to what kind of measure should be brought forward. We should have been very glad to have left the Land Question entirely alone. I do not wish to touch on the debate of yesterday any more than is necessary. We should have preferred to have left the Land Question alone; but we found that, owing to the temporary and exceptional circumstances of the year, the government of Ireland would be, in our opinion, far more difficult if we did not make a temporary modification of the law. That does not in any way change our opinion, which is this—We have pledged ourselves to make the Land Question one of the very principal questions for consideration next Session. We shall take advantage of the Commission to ascertain the facts; and now we are asked this Wednesday afternoon, before we have been able to study the question as we ought to do, and to have an opportunity of consulting amongst ourselves, we are suddenly asked to decide beforehand, not only to say we will bring in a measure next year, but also to state what sort of a measure it will be. My hon. Friend who has just sat down

Mr. W. E. Forster

says one of the reasons why we ought to do that was because something of the kind was brought forward in the Irish Land Act. But I must remind him that while it was brought forward it was defeated by an enormous majority; and that is rather a strange reason for asking the Government to suddenly agree to a principle which they felt it their duty to oppose before, and which the House at that time agreed in rejecting by a large majority. I do not want to be misunderstood in this matter. I am very much struck with the many arguments brought forward from the position of those hon. Gentlemen who have advocated it; but it is decidedly a question upon which we ought to be left free to consider, and it is just one of those subjects that when the House legislates upon it we ought to be prepared to carry the Bill through, and not merely to adopt what is called the principle of the Bill on the second reading when it could not be carried into law. This year, therefore, I must urgently press on the hon. Member who brought the Bill forward to withdraw his Motion, to be content with the hearing he has obtained, not only for the Bill, but for the principles belonging to it. It is impossible for us to assent to the second reading of the measure; and in order that the House may be left entirely free to consider it I will move the Previous Question.

Previous Question proposed, "That that Question be now put." — (*Mr. William Edward Forster.*)

MR. CALLAN did not wish to misunderstand the Chief Secretary for Ireland in the remarks made; but he believed it would be impossible to understand clearly what the Chief Secretary for Ireland meant, except that he should remain unpledged either to principle or expediency. He had hoped that when a Bill was brought forward dealing with Ireland, and having the support of the Irish Liberal Party, there would have been a clear expression of opinion upon the subject; but instead, they found mere professions that the Government would give their earnest attention and best consideration to the policy of introducing a Bill next year. As the Attorney General for Ireland spoke upon the Bill for fixity of tenure, he had hoped he would have availed himself of the

opportunity afforded him of withdrawing or modifying the remarks he had formerly made, which were—

“My hon. and learned Friend, in the Preamble of his Bill, refers to the existing law as ‘a hindrance of agriculture.’ Well, Sir, I will not adopt as my own the forcible language of Philocelt, a well-known Irish writer, in reference to ‘fixity of tenure,’ which, he said, would ‘smite Ireland as with a curse;’ but I do very much fear that, under the stereotyped, perhaps I might even say paralyzing system, that these proposals would fix upon us, the last state of poor Ireland would, in respect of agriculture, at least, be worst than the first.”

What did the chief Legal Adviser then say? He said—

“They—the proposals to give fixity of tenure, fair rents and free sale—were referred to and examined in the luminous speech of my right hon. Friend the Member for Greenwich when he introduced the Irish Land Bill of 1870. He there showed the injustice and the impolicy of any such virtual transfer of property as must be involved in the compulsory establishment of ‘fixity of tenure,’ and for himself and the Liberal Party which he led pronounced emphatically against it. Instead of disturbing and unsettling the foundations of property, my right hon. Friend and those who acted with him carried through Parliament the Irish Land Act, the substantial effect of which I have already stated.”—[3 *Hansard*, cxxx. 682-5.]

Would the right hon. and learned Gentleman lead the Party now against those demands? The right hon. and learned Gentleman, not having availed himself of the opportunity of disavowing or recanting his former opinions, were they now to understand that the best consideration of the Government was to be given to the advisability of introducing a Bill next year which would not embrace what the right hon. and learned Gentleman had said would “smite Ireland as with a curse?” Why did they not, in a manly and straightforward manner, say what their intention was, and not let them and the people of Ireland be deluded in the coming Session with false and illusory hopes?

MR. METGE, as a Representative of a large Irish county, and a landlord, disagreed, not with the principles of the Bill, but with the Bill itself, because it would not answer the purpose intended, nor would any other Bill like it. The 500,000 small tenants in Ireland were now told that, instead of having some immediate measure of relief, they must wait until the Government had made up their minds what they would do with regard to this subject. What Irishmen wanted was a final settlement of this

question, under which the small tenants would obtain a sufficient quantity of land on which to support themselves and their families, and to become owners of it; or, at all events, to obtain such fixity of tenure at as low as possible a rent as was consistent with the just rights of the landlords. Many of those whom he had come there to represent had been driven into infertile plains, where hardly any man could live. They were now to be told when the famine came that the Government would wait until the next week or two before proceeding with the Distress Bill. What was fixity of tenure to such men? No; the Land Question must be settled permanently; tinkering with a worn-out system would never gain the object wished for—namely, the settlement of the present agitation going on in the country. That agitation, however, was making hon. Members listen to what the people had to say, and was making those listen who would not a few years ago. He did not concur with the sweeping assertions that had been made against the Land League. Neither did he support the League; but he said it had done its work. First of all, as far as the charitable funds were concerned, the League had laid them out in a way that did honour to any Committee, and the objects set before the Committee had been carried out honourably and fairly, as far as distributing funds for the relief of distress went. The League had worked honestly and well. Ireland had passed through a season of trial such as no other country could have borne. Famine, if not actual starvation, had haunted her threshold more than hon. Members had any idea of, and on the top of that they were to have a land system that could heave them out by the force of law. Were they to expect that the whole people of Ireland would go down without a word of complaint, as did the men on the *Royal George*, in all their strength and vigour? If the agitation was to be allayed it must be by a strong and comprehensive measure, and such a measure as that he would support.

MR. LITTON thought that the reasons given by the Government for declining to express any opinion with regard to this Bill were unsatisfactory. Instead of saying that they had not had time to consider the question fully, the Govern-

ment would be more frank if they were to state that they had not formed any views with regard to it. Fixity of tenure, the free sale of land, and a fair rent ought to be the leading features of any future legislation on this question. He should be wanting in his duty to the tenant farmers of the North of Ireland if he did not take the opinion of the House on this Bill. He, therefore, must divide the House on the subject.

MR. PARNELL: Sir, I trust the hon. Member for the County Tyrone (Mr. Litton), who has charge of the Bill, will excuse me if I venture to speak after he has addressed the House; but I wish to say a few words in explanation of my reasons for not being able to vote in favour of a Bill which he has brought forward. I agree that the Government is entitled to some sympathy in the attitude which they have taken up. The Bill pretends to be a final settlement of the Irish Land Question, and it seems to have been brought forward as such by the hon. Member who is in charge of it without a sufficient idea of the exigencies of the moment. It differs in that respect from the Bill for compensation for disturbance of the Government, which, as I take it, does not profess to be even a temporary settlement of the Land Question, but only an alleviation of the tension and pressure in that system. Is there any hon. Gentleman in this House who will say that a Government which has just come into Office is not entitled to time for consideration of a tangled and difficult question, such as the Irish Land Question, before it endorses a principle about which there is great difference of opinion in Ireland, and which has not been unanimously accepted in that country as a final settlement of the Land Question. I have listened with great interest to the remarks of my hon. Friend the Member for Meath (Mr. Metge), who stated his belief that this measure would only touch the case of large tenants in Ireland. For myself, I think that if the machinery proposed by the Bill was workable, and could be properly put into operation, it would be of advantage to the tenants in the North as well as in the South, and would include those who occupy farms of a large size as well as those of more moderate dimensions. I deny, however, entirely that it would be of the slightest use to the 300,000 small tenants, who have really made the Irish

land what it is, and whose sufferings have placed the Irish Land Question in its position before the British public. I do not wish to throw any obstacle in the way of the final settlement of the Land Question; but I have in times past voted on more than one occasion for the Bill of Mr. Butt—a Bill similar to the one before the House; but I consider that Mr. Butt's Bill was a considerable improvement on this one in many working points, and one of them was that it threw the onus on the landlord to bring the tenant into court. I think, however, that one of the real difficulties, next to insecurity of tenure, in respect of the Irish Land Question, is that the land is badly distributed. What happened after the Irish Famine? During that Famine the landlords took the opportunity of making extensive clearances, especially in the County Meath and other districts in which there were large tracts of land devoted to grazing. The residue of the people went to the hillsides and bogs of Connaught, where their descendants are now living on land consisting of bog and mountain, which they have redeemed. There are in Ireland 250,000 small tenants who can hardly pay any rent at all; and it would be purely mockery to go to these men with this Bill. In order to remedy the state of things in the West of Ireland we require either emigration or migration. There are in Ireland 4,500,000 acres light grazing land occupied by graziers in farms of 1,000 or 2,000 acres. These lands, which were formerly in cultivation, are not suitable to be permanently laid down in pasture. They require to be broken up and cropped; and what I propose is that the tenants on the poor lands in the West of Ireland should be given an opportunity of migrating to those grazing lands. I believe the better settlement of the Land Question lies in giving the tenants of Ireland an opportunity of becoming the owners of the land. I wish to enable this to be done by the issue of debentures at 3½ per cent guaranteed by the State. I believe that after this year many landlords will be willing and anxious to sell their lands on easy terms. The present Bill will be of no use to more than a minority of Irish tenants who have an interest in the soil and are undoubtedly deserving, but who have not made the Land Question in Ireland what it now is. I think that the Government are entitled to have an op-

Mr. Litton

portunity of considering the question as a whole, and of seeing whether they could not enlarge the Land Act of 1870, so as to enable it to meet the objects of the promoters of this Bill, and also to provide some means by which tenants could purchase their holdings on fair and reasonable terms. I believe that the existing Irish land system cannot possibly continue; and if the House passes this Bill it will only be prolonging a system which has worked, and is still working, incalculable evil to Ireland. In England, tenants are comparatively prosperous and contented, because, owing to the remembrance of the feudal system, the landlords, while insisting on their rights, do not altogether forget their duties; in Ireland, where the feudal system does not survive, the landlords claim their rights but forget their duties. The Irish system has failed in every European country where it has been tried; and I must add that it has been attended in Ireland with more evil than in any other country in which it has been in operation. I believe that the agitation now going on in Ireland will make the farmers see that the only way of settling the Land Question is by their acquiring the ownership of their holdings. I must again express my opinion that the Government is now entitled to an opportunity of considering the whole subject; and that, under the circumstances, it would be better not to press the second reading of this Bill; and if next Session they do not bring forward satisfactory proposals we shall know how to proceed.

SIR JOSEPH M'KENNA admitted that, having read the Bill, he could not say that if it became law it would do much good, while it would stand in the way of some reforms which it would be desirable to introduce; but, at the same time, it would meet the wants of some classes of tenants. He thought it would be of little avail taking a division on the Bill, because no legislation on that subject was to take place this Session. Still, if the measure was pressed, he would vote for the hon. Member for Tyrone. There were many classes of tenants who could only be benefited by the establishment of peasant proprietorship. He did not see how the tenants of the West of Ireland could be transferred to the grazing lands; but, at the same time, he was convinced that if fair means and

opportunity were provided, the tenants of Ireland would largely purchase their holdings.

MR. O'CONNOR POWER said, that taking the statement of the Chief Secretary for Ireland, and the speech of the hon. Member for Cork (Mr. Parnell), they might be described as being in a state of some confusion. The Government pleaded that they were not in a position to give a positive opinion on the merits of the present Bill. Some of those on that side of the House were, perhaps, in a somewhat similar position; and they would, therefore, be placed in a position of some difficulty if the hon. Member for Tyrone insisted on going to a division. He regarded the Bill as an improvement on the present system; but, at the same time, he did not think that it would effect a settlement of the question. He would vote for the Bill if it were pressed to a division; but he trusted that such a course would not be adopted, as it would place many of the Irish Members in a position of much difficulty.

Question put.

The House *divided*:—Ayes 45; Noes 187: Majority 142.—(Div. List, No. 33.)

EDUCATION (SCOTLAND) ACTS 1872 AND 1878 EXTENSION BILL.

On Motion of Mr. PEDDIE, Bill to amend and extend the Education (Scotland) Acts of 1872 and 1878, *ordered* to be brought in by Mr. PEDDIE, Mr. WILLIAM HOLMS, Colonel ALEXANDER, Mr. HENDERSON, and Mr. MARK STEWART.

Bill *presented*, and read the first time. [Bill 252.]

SOUTH WESTERN (OF LONDON) DISTRICT POST OFFICE BILL.

Select Committee on the South Western (of London) District Post Office Bill *nominated*:—Mr. JOSEPH PEASE, Mr. HOLMS, Lord JOHN MANNERS, and Two Members to be nominated by the Committee of Selection:—Three to be the quorum.—(Lord Richard Grosvenor.)

House adjourned at five minutes before Six o'clock.

opposite (the Earl of Galloway) then came down, and moved that the Earldom as it stood should be brought down to the Roll of 1565. The Report of the Select Committee distinctly said that no Order was made with reference to the old Earldom, and distinctly affirmed that the old Earldom was still on the Roll. Let the noble Lord (the Earl of Mar and Kellie) put his Earldom on the Roll, and leave the old Earldom to take care of itself. He objected to the assertion that the Scotch Peers treated this question on personal grounds. The point to be decided was one involving more than personal interests for Scotch Peers—namely, what was the right place on the Union Roll for the Mar Peerage? The matter could not be left in its present position. He hoped their Lordships would not stultify themselves by insisting on the Resolution which had been carried the other day.

THE DUKE OF ARGYLL said, he was unable to understand what was the difficulty raised with regard to the point of Order. A few weeks ago the House came to the conclusion that it was incumbent on it to rescind a certain Order; but in order to carry that opinion into effect—as it was not binding—it was necessary that there should be a separate and new Motion to rescind. When the Motion was placed on the Paper, the noble Earl (the Earl of Redesdale) gave Notice of an Amendment. He did not see that the noble Earl could be accused of being out of Order in moving an Amendment to a new Motion brought before the House, consequent on the Resolution of the 14th of June. He did not intend to enter at any length into the merits of the question. Like most other Members of the Scotch Peerage, he thought the question one of great importance, apart from all personal considerations. He did not think that those who took the part of Mr. Goodeve Erskine acted from mere personal motives, for he believed that they desired to see the Scotch Peerage Roll made up properly for the honour of the Scotch Peerage. He could, to a certain extent, sympathize with those noble Lords. When the noble Earl the Chairman of Committees (the Earl of Redesdale) spoke of “personal motives,” he did not speak of personal motives in an unworthy sense; but he was bound to say, not having read the evidence before the

Committee, that he was unable to give an opinion on a legal question which ought to be decided by a legal tribunal. He did not think it would redound to the honour of the Scotch Peerage to snatch a victory by a chance vote. On the contrary, he thought they should abstain from any hasty expression on so important a subject. For himself, he would be glad if Mr. Goodeve Erskine could secure his Scotch Peerage; but the proper course must be taken to that end. One of the subordinate questions raised was where his name should stand on the Roll at Holyrood. The noble Duke opposite (the Duke of Richmond and Gordon) would know that that was a question which must be gone into with the fullest evidence and material for coming to a conclusion. For one, he (the Duke of Argyll) knew that his name occupied a position on the Roll which he ought not to do, and the same was the case with the noble Duke (the Duke of Sutherland). Noble Lords knew that those were not solitary instances, and if they were to go into that question it must be done in judicial form. If Mr. Goodeve Erskine wanted to keep his place he must issue a new Commission. This question should not be made a political or personal one; and he believed that on the 14th of June the House was hurried into giving a vote without having before it adequate information on the subject. He felt strongly the plea raised by the noble Earl (the Earl of Redesdale), to be zealous of the honour of the House when dealing with questions of a judicial character.

THE EARL OF MANSFIELD said, that the real reason why this question had been brought forward was that justice had not been done. He had looked into the decision of the Committee of Privileges, and he contended that it was contrary to justice in every way; and he could show from documents, legal and historical, that there was no proof that the date 1565 was correct for the Earl of Kellie's title of the Earl of Mar. He wished to ask how the Order of the Committee in the House was originally given out? He had heard that no Resolution of the House was come to, and that there was nothing recorded upon the Journals of the House. Although the House had not come to any decision with regard to the ancient Earldom of Mar, Mr. Goodeve Erskine,

satisfied with the discussion which had taken place, with the able speech he had made, and to rest and be thankful upon his laurels. The Government had not approved the Bill; but they had not disapproved it; all that they said was—wait a little longer. The whole tendency of the speech of the right hon. and learned Gentleman was to give this advice—Wait; a Committee of the House of Lords had made inquiry in the past—a Commission was able to make further inquiry in the future; the Government needed information, and having got it they would consider it, and act upon it either by doing something or by doing nothing. They were to have the widest possible discretion to act or not to act. But, having appointed that Commission, they would stultify themselves if they practically took away from the Commission all discretion by now assenting to the second reading of the present Bill, which dealt with pretty much every topic raised in the Land Question. The right hon. and learned Gentleman was in error when he stated that a Royal Commission had been appointed in 1872 by the right hon. Gentlemen now on the Opposition Benches; the fact was that the right hon. Gentleman opposite was in power in 1872, and therefore the Opposition did not appoint the Royal Commission of that year.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): It was not a Royal Commission, but a Select Committee, appointed by the House of Lords.

MR. GIBSON: Very well; but then the right hon. Gentleman was Prime Minister. The Bill now before the House for second reading was not dealing with the Counties of Tyrone, Armagh, or Monaghan only, nor with the whole of Ulster; but it was intended to refer to the whole of Ireland. He (Mr. Gibson) would not discuss the Bill, as his right hon. and learned Friend had not discussed it; but this he could not refrain from saying—from a lawyer's point of view—that this was a splendid professional Bill, and that if it were passed it would be productive of universal and everlasting litigation. He reserved to himself perfect liberty of action in dealing with and criticizing whatever proposal might be hereafter made by the Government, if any were made. Meanwhile, he supposed the hon. Gentleman would act on the advice so delicately given to him and withdraw the Bill.

Mr. Gibson

[“No!”] Well, he presumed the hon. Member was of age and could answer for himself. If he did not withdraw the Bill, but went to a division, the House would probably be favoured with a further announcement from the Treasury Bench, and perhaps the Government might be forced to come to a rapid decision.

SIR PATRICK O'BRIEN thought that the House ought to have received some indication from the Government as to their views with regard to the Land Question raised by this Bill. He did not expect that the Government would have accepted the Bill of the hon. Member for Tyrone, but was entitled to have some opinion from the Government. The question which this Bill treated was one upon which he had pledged himself at the hustings more than once; but it must be remembered that there were in Ireland landlords and landlords. There were men who had not derived their land from confiscation; there were some also, like the O'Connor Don, who obtained their property by hereditary descent, and there were others who had obtained land through their own industry; and it was not by the cry of “landlord and tenant” that that great question was to be decided, if it had to be decided, on the inimitable principles of right and justice. He wondered why the Conservative Party, by the lips of their mouthpiece, had not given some indication of the line they would take in regard to such a Bill as that proposed by his hon. Friend. They would not, however, venture an opinion on the matter, struggling, as everyone knew they were, for a miserable feudal position in the country that any man of intellect would despise. Treating the question, as many would no doubt treat it, as a mere commercial transaction, what landlord would say, if he had a tenant from whom he received the value of the land in the nature of rent, and if that tenant wished to sell his occupation to another, it was not a fair commercial transaction? He had promised his constituents to give such a Bill his support; and though it was a measure which should not be hurried it was right for the hon. Member for Tyrone to take the opportunity presented of obtaining the opinion of the House, and thus to offer material to the Government for their use in the coming

Session on the introduction of a new Land Bill.

SIR HARCOURT JOHNSTONE said, that this Bill was Conservative in the highest degree as compared with the Bill for the Relief of Irish Distress, as to the passing of which through the other House this Session he had much doubt. If no measure of the kind were passed this Session, he feared that much violence would result. In the part of the country with which he was connected in England, there was practically fixity of tenure and fair rents, and the system was eminently successful. What was a success in the one country surely would be so in the other. He could not approve of the conduct of the occupants of the two front Benches, who contented themselves with taunting each other without taking any active steps for the settlement of this question. What were those hon. and right hon. Gentlemen there for if they had not the courage of their convictions? In supporting this Bill, he had no object in view except the thorough pacification of Ireland; and he was convinced that the only way to secure that pacification was to so amend the Land Laws as to bind the landlords and tenants together for their mutual benefit.

MR. SYNAN ridiculed the idea of the Government having issued a Royal Commission to inquire into the principles involved in this Bill. The duty of a Royal Commission was to inquire into facts and not into principles. He thought the Government ought by this time to have made up its mind whether they were to adhere to the principle of the Act of 1870, and merely give compensation for disturbance, so as to secure the tenant; or whether, for the purpose of settling the question, they ought to adopt the Ulster custom, and extend it to the rest of Ireland. At all events, he supposed they would hear from the Chief Secretary in what direction they would act, and whether the present Bill contained any principle upon which the Government might shape future legislation. In his opinion, the present Bill gave ground upon which the question might be settled. It had been said that the Bill was a professional Bill; but, in his opinion, it was an anti-professional Bill. The landlord would know that if he attempted to raise his rents at all unfairly he would have to go into the County Court; and he believed the apprehension

of that would prevent landlords from raising their rent unjustly. He thought the principle of the Bill, setting forth as it did the three principles upon which the Irish people wished the matter settled—namely, fixity of tenure at fair rents with free sale—was a principle upon which the future amendment of the Act of 1870 must be shaped. That principle was accepted by the Government last Session, and now the right hon. and learned Member for Dublin University (Mr. Gibson) had nothing to say on a Bill the principles of which his own Government last year accepted. He apprehended that the Government had an excuse for waiting for the result of the Royal Commission; but, at the same time, he thought they ought to accept the principle of the Bill, leaving the details of the measure to be settled when the Report of the Commission was issued.

MR. W. E. FORSTER: The hon. Member who has just sat down asks me, I think, a rather unreasonable thing. He asks me that we should say now what are the principles of the Land Bills which are to be brought forward next Session. I must really decline to do any such thing. I can hardly think the hon. Member will expect me to do it. He surely cannot think that a person in a Ministry responsible for Irish affairs should suddenly, on a Wednesday afternoon, without the opportunity of consulting his Colleagues, bind the Government to the principle of a measure such as this before the House. The hon. Gentleman, in introducing this measure, had, with great clearness, stated his plan for altering the law; and it is, undoubtedly, a plan which finds much favour among certain classes in Ireland, and the enormous importance of which I do not think can be overrated. The principle of that plan, as I understand it, is that the amount of the rent of land in Ireland is to be fixed, not by the landlords or the tenants, but by arbitrators, and that there is to be fixity of tenure upon payment of the rent so ascertained. This principle has been well discussed this afternoon, and the proposal of the hon. Member has received considerable support, and especially from the hon. Member for Scarborough (Sir Harcourt Johnstone), and that it should be supported by an English landowner in the position of the hon. Gentleman is an argument very much in its favour. But

I maintain that the Government would be doing very wrong in a matter like this to express their decided opinion when they know, and the hon. Member who brings this measure forward knows to a certainty, that the Bill could not possibly be passed into law this year. If that be the case, we certainly ought to be allowed to keep ourselves free to consider the question in all its bearings; and the House ought not to be committed to a measure which, while held up to the people of Ireland as satisfactory, could not be passed into law this year. The position of the Government is plainly this, and we have not in the slightest departed from it. At the beginning of the Session we thought the position of the Land Question in Ireland was one more than anything else in Ireland demanding the closest attention of the Government, to which we were committed, and, indeed, the attention of any Government. We did not pledge ourselves to bring in a measure; but we did pledge ourselves most seriously to consider whether a measure ought not to be brought forward; and we stated that we did not conceive that in this short Session, having only just taken Office ourselves, that we could attempt to make up our minds as to what kind of measure should be brought forward. We should have been very glad to have left the Land Question entirely alone. I do not wish to touch on the debate of yesterday any more than is necessary. We should have preferred to have left the Land Question alone; but we found that, owing to the temporary and exceptional circumstances of the year, the government of Ireland would be, in our opinion, far more difficult if we did not make a temporary modification of the law. That does not in any way change our opinion, which is this—We have pledged ourselves to make the Land Question one of the very principal questions for consideration next Session. We shall take advantage of the Commission to ascertain the facts; and now we are asked this Wednesday afternoon, before we have been able to study the question as we ought to do, and to have an opportunity of consulting amongst ourselves, we are suddenly asked to decide beforehand, not only to say we will bring in a measure next year, but also to state what sort of a measure it will be. My hon. Friend who has just sat down

Mr. W. E. Forster

says one of the reasons why we ought to do that was because something of the kind was brought forward in the Irish Land Act. But I must remind him that while it was brought forward it was defeated by an enormous majority; and that is rather a strange reason for asking the Government to suddenly agree to a principle which they felt it their duty to oppose before, and which the House at that time agreed in rejecting by a large majority. I do not want to be misunderstood in this matter. I am very much struck with the many arguments brought forward from the position of those hon. Gentlemen who have advocated it; but it is decidedly a question upon which we ought to be left free to consider, and it is just one of those subjects that when the House legislates upon it we ought to be prepared to carry the Bill through, and not merely to adopt what is called the principle of the Bill on the second reading when it could not be carried into law. This year, therefore, I must urgently press on the hon. Member who brought the Bill forward to withdraw his Motion, to be content with the hearing he has obtained, not only for the Bill, but for the principles belonging to it. It is impossible for us to assent to the second reading of the measure; and in order that the House may be left entirely free to consider it I will move the Previous Question.

Previous Question proposed, "That that Question be now put." — (Mr. William Edward Forster.)

MR. CALLAN did not wish to misunderstand the Chief Secretary for Ireland in the remarks made; but he believed it would be impossible to understand clearly what the Chief Secretary for Ireland meant, except that he should remain unpledged either to principle or expediency. He had hoped that when a Bill was brought forward dealing with Ireland, and having the support of the Irish Liberal Party, there would have been a clear expression of opinion upon the subject; but instead, they found mere professions that the Government would give their earnest attention and best consideration to the policy of introducing a Bill next year. As the Attorney General for Ireland spoke upon the Bill for fixity of tenure, he had hoped he would have availed himself of the

opposite (the Earl of Galloway) then came down, and moved that the Earldom as it stood should be brought down to the Roll of 1565. The Report of the Select Committee distinctly said that no Order was made with reference to the old Earldom, and distinctly affirmed that the old Earldom was still on the Roll. Let the noble Lord (the Earl of Mar and Kellie) put his Earldom on the Roll, and leave the old Earldom to take care of itself. He objected to the assertion that the Scotch Peers treated this question on personal grounds. The point to be decided was one involving more than personal interests for Scotch Peers—namely, what was the right place on the Union Roll for the Mar Peerage? The matter could not be left in its present position. He hoped their Lordships would not stultify themselves by insisting on the Resolution which had been carried the other day.

THE DUKE OF ARGYLL said, he was unable to understand what was the difficulty raised with regard to the point of Order. A few weeks ago the House came to the conclusion that it was incumbent on it to rescind a certain Order; but in order to carry that opinion into effect—as it was not binding—it was necessary that there should be a separate and new Motion to rescind. When the Motion was placed on the Paper, the noble Earl (the Earl of Redesdale) gave Notice of an Amendment. He did not see that the noble Earl could be accused of being out of Order in moving an Amendment to a new Motion brought before the House, consequent on the Resolution of the 14th of June. He did not intend to enter at any length into the merits of the question. Like most other Members of the Scotch Peerage, he thought the question one of great importance, apart from all personal considerations. He did not think that those who took the part of Mr. Goodeve Erskine acted from mere personal motives, for he believed that they desired to see the Scotch Peerage Roll made up properly for the honour of the Scotch Peerage. He could, to a certain extent, sympathize with those noble Lords. When the noble Earl the Chairman of Committees (the Earl of Redesdale) spoke of “personal motives,” he did not speak of personal motives in an unworthy sense; but he was bound to say, not having read the evidence before the

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ment would be more frank if they were to state that they had not formed any views with regard to it. Fixity of tenure, the free sale of land, and a fair rent ought to be the leading features of any future legislation on this question. He should be wanting in his duty to the tenant farmers of the North of Ireland if he did not take the opinion of the House on this Bill. He, therefore, must divide the House on the subject.

MR. PARNELL: Sir, I trust the hon. Member for the County Tyrone (Mr. Litton), who has charge of the Bill, will excuse me if I venture to speak after he has addressed the House; but I wish to say a few words in explanation of my reasons for not being able to vote in favour of a Bill which he has brought forward. I agree that the Government is entitled to some sympathy in the attitude which they have taken up. The Bill pretends to be a final settlement of the Irish Land Question, and it seems to have been brought forward as such by the hon. Member who is in charge of it without a sufficient idea of the exigencies of the moment. It differs in that respect from the Bill for compensation for disturbance of the Government, which, as I take it, does not profess to be even a temporary settlement of the Land Question, but only an alleviation of the tension and pressure in that system. Is there any hon. Gentleman in this House who will say that a Government which has just come into Office is not entitled to time for consideration of a tangled and difficult question, such as the Irish Land Question, before it endorses a principle about which there is great difference of opinion in Ireland, and which has not been unanimously accepted in that country as a final settlement of the Land Question. I have listened with great interest to the remarks of my hon. Friend the Member for Meath (Mr. Metge), who stated his belief that this measure would only touch the case of large tenants in Ireland. For myself, I think that if the machinery proposed by the Bill was workable, and could be properly put into operation, it would be of advantage to the tenants in the North as well as in the South, and would include those who occupy farms of a large size as well as those of more moderate dimensions. I deny, however, entirely that it would be of the slightest use to the 300,000 small tenants, who have really made the Irish

land what it is, and whose sufferings have placed the Irish Land Question in its position before the British public. I do not wish to throw any obstacle in the way of the final settlement of the Land Question; but I have in times past voted on more than one occasion for the Bill of Mr. Butt—a Bill similar to the one before the House; but I consider that Mr. Butt's Bill was a considerable improvement on this one in many working points, and one of them was that it threw the onus on the landlord to bring the tenant into court. I think, however, that one of the real difficulties, next to insecurity of tenure, in respect of the Irish Land Question, is that the land is badly distributed. What happened after the Irish Famine? During that Famine the landlords took the opportunity of making extensive clearances, especially in the County Meath and other districts in which there were large tracts of land devoted to grazing. The residue of the people went to the hillsides and bogs of Connaught, where their descendants are now living on land consisting of bog and mountain, which they have redeemed. There are in Ireland 250,000 small tenants who can hardly pay any rent at all; and it would be purely mockery to go to these men with this Bill. In order to remedy the state of things in the West of Ireland we require either emigration or migration. There are in Ireland 4,500,000 acres light grazing land occupied by graziers in farms of 1,000 or 2,000 acres. These lands, which were formerly in cultivation, are not suitable to be permanently laid down in pasture. They require to be broken up and cropped; and what I propose is that the tenants on the poor lands in the West of Ireland should be given an opportunity of migrating to those grazing lands. I believe the better settlement of the Land Question lies in giving the tenants of Ireland an opportunity of becoming the owners of the land. I wish to enable this to be done by the issue of debentures at 3½ per cent guaranteed by the State. I believe that after this year many landlords will be willing and anxious to sell their lands on easy terms. The present Bill will be of no use to more than a minority of Irish tenants who have an interest in the soil and are undoubtedly deserving, but who have not made the Land Question in Ireland what it now is. I think that the Government are entitled to have an op-

Mr. Litton

opposite (the Earl of Galloway) then came down, and moved that the Earldom as it stood should be brought down to the Roll of 1565. The Report of the Select Committee distinctly said that no Order was made with reference to the old Earldom, and distinctly affirmed that the old Earldom was still on the Roll. Let the noble Lord (the Earl of Mar and Kellie) put his Earldom on the Roll, and leave the old Earldom to take care of itself. He objected to the assertion that the Scotch Peers treated this question on personal grounds. The point to be decided was one involving more than personal interests for Scotch Peers—namely, what was the right place on the Union Roll for the Mar Peerage? The matter could not be left in its present position. He hoped their Lordships would not stultify themselves by insisting on the Resolution which had been carried the other day.

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HOUSE OF LORDS,

Thursday, 1st July, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—County Bridges * (113); Local Government (Ireland) Provisional Orders (Artizans and Labourers Dwellings (Dublin) and Waterworks (Armagh) * (114).

Third Reading—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 2) * (93); Local Government Provisional Orders (Abingdon, &c.) * (95); Metropolitan Commons Supplemental * (96), and *passed*.

EARLDOM OF MAR.—RESOLUTION.

THE EARL OF GALLOWAY rose to move—

"That, in accordance with the Resolution agreed to by this House on the 14th June last, 'That it is incumbent upon this House to rescind their Order of 26th February 1875, which ran as follows, viz: "That at the future meetings of the Peers of Scotland assembled under any Royal Proclamation for the election of a Peer or Peers to represent the Peerage of Scotland in Parliament, the Lord Clerk Register, or the Clerks of Session officiating thereat in his name, do call the title of Earl of Mar according to its place on the Roll of Peers of Scotland called at such election, and do receive and count the vote of the Earl of Mar claiming to vote in right of the said earldom, and do permit him to take part in the proceedings of such election,"' this House resolve that the said Order be rescinded, and that intimation to that effect be made to the Lord Clerk Register of Scotland."

The noble Earl said, he was in a position in which he was, perhaps, entitled to claim their Lordships' sympathy, and he should ask their indulgence while he attempted to put before them the position in which the House was placed on the subject of his Resolution. Just a month ago, on the 1st of June, he gave Notice in that House that he intended to move two Resolutions with regard to the Mar Peerage. He did not wish to disguise the fact that he was very anxious to call the attention of the public to this question; and for the purpose of calling public attention to it he not only put a Notice upon the Paper, but in addition—having made the public declaration between 5 and a quarter past 5 o'clock in the usual manner—took measures to insure the Notice getting into the hands of the reporters. That Notice he had given for the 14th of the month, so that there would be

ample opportunity for everybody to know that the question was coming on; and two days previous to bringing on the Resolution he took means to let every Member of their Lordships' House know that the subject was to be discussed—a means with which all their Lordships were familiar. Of course, he had no notion whatever as to the opinions of any noble Lord on the subject. He would not weary the House by reciting what the Resolutions were; but the particular one which was the subject of his Notice this evening was to the effect that in accordance with the Report of the Select Committee specially appointed to inquire into the matter three years ago—namely, in 1877—it was incumbent on the House to rescind the Order of February 26, 1875, and that an Order to that effect should be sent to the Lord Clerk Register of Scotland. At this time he had put to the Resolution six words, which he afterwards withdrew, and these were, "and the said Order is hereby rescinded." But, upon reading over his Notice, he had said to himself—"Now, it would be rather an affront to their Lordships to add these words; for if their Lordships agreed with me that it is incumbent on them to rescind the Order, they will, as a matter of course, carry that Resolution into effect;" and he need not add that it would have been perfectly easy for him, after the Resolution was carried, to have moved simply that the words he had left out be added. If he had done that he was sure the Motion for the addition would have been carried without a dissentient vote. However, a week passed, and a noble Friend of his opposite (the Marquess of Huntly), who had always taken a very deep interest in the question, in his place asked the noble and learned Lord on the Woolsack what Order he had sent to the Lord Clerk Register in consequence of the Resolution agreed to by the House? He would remind their Lordships that on the 14th ultimo the debate lasted for over two hours. It was a very full debate; and upon going to a division the numbers were—Contents, 49; Not-Contents, 41—which was a majority of 8; but had it not been for the accident of one Peer going into the wrong Lobby the voting would have been 50 to 40, or a very substantial majority, and one which on most questions would be considered very decisive. A week after

say what other more proper Order should be substituted for it, could not be imagined. If the noble Earl had ventured to propose some other Order, there would have been only a choice of two courses open to him. If he had proposed to change the place of the title of Mar which now stands upon the Union Roll, by moving it to a lower position on that Roll, he would have prejudiced any future claim by Mr. Goodeve Erskine, who might hereafter come forward to show that there were two Earldoms of Mar, and that the Earldom now on the Roll was in a position, not lower, at all events, than that in which the more ancient Earldom, claimed by him, ought to be. This was the very thing which the Earl of Mar and Kellie, by his Petition in 1877, had asked the House to do, and which the Committee, then appointed to consider that Petition, for that very reason advised the House not to do. If, on the contrary, he had taken the other alternative, he would, in the name of the House, without any new evidence whatever, and without any judicial grounds before the House, have prejudged the matter in the teeth of the decision arrived at in 1875, by placing on the Union Roll two Earldoms of Mar; for whatever else was doubtful, this was certain—that Lord Cairns (then Lord Chancellor), Lord Chelmsford (a former Chancellor), and the noble Earl the Chairman of Committees, grounded their decision on reasons absolutely inconsistent with the hypothesis of there being, at the date of the Decree of Ranking, two Earldoms of Mar. If they had not believed that the evidence then before them proved the extinction, and failed to prove the restoration, of the ancient Earldom of Mar, it would have been impossible for them to hold that a Mar Peerage was created in 1565. He did not say whether they were right or not. He (the Lord Chancellor) adhered to what he had said on a former occasion—namely, that, as far as the judgment of the House was concerned, it had decided only that, the Earl of Kellie was entitled to a Peerage created in 1565; and that, if anyone else could now prove his right to a Peerage of Mar of earlier date, it was open to him to come forward and claim it. Noble Lords who took an interest in this question, and more especially the noble Earl who spoke last but one (the Earl of Mansfield), asked them

in a debate of that sort to proceed on the ground that injustice was done by their former decision. Their Lordships were asked extra-judicially, when probably not half-a-dozen of them had even attempted to read or consider the evidence, to decide against the deliberate judgment of Lord Cairns and the other two learned Lords, and to reverse a judicial decision of that House, on the ground that it was unjust. If anything in the world required to be done judicially, it would be such a reversal of a former Order, and the reasons avowed for such reversal formed the most cogent argument against the course proposed by the noble Earl. Noble Lords, who thought themselves qualified to sit in judgment on the decisions of that House, did not appear to have taken the trouble to inform themselves accurately on some even of the simplest elements of the case. The noble Earl (the Earl of Galloway) had said he thought his Motion followed naturally from the Report of the Committee of 1877; but he (the Lord Chancellor) was astonished at that assertion. The Select Committee of 1877 were asked by Lord Kellie to put the title of Mar lower down on the Roll, and the Select Committee thought that the object of the request was, apparently, to prejudice the claim of Mr. Goodeve Erskine. They said, in effect—"If Mr. Erskine asserts his right to be Earl of Mar, let him claim to vote; let there be protests against his claim, and then the matter must come to this House to be determined." It was, therefore, adjudged that nothing should be done on Lord Kellie's Petition; but the noble Earl (the Earl of Galloway) seemed to think the logical consequence of that decision was that the contrary course should be taken. The whole of the noble Earl's Motion was founded on the argument that it was impossible that the Peerage created in 1565 could be in the place on the Union Roll in which the Peerage of Mar was now found. That would be a very good argument if it were certain that all the Peerages were put on the Roll their proper order; but the Peerage of Mar was in a position on the Roll wholly inexplicable by any theory of that Peerage. The original Peerage was much older than 1404. It was dealt with in 1404 in a somewhat extraordinary manner by the Countess Isabel, the last of the ancient line who ever held the title

"Further consideration has led this House to consider that it would be inexpedient to rescind the Order of the 26th February 1875, which was made after the House had resolved and adjudged that Walter Henry Earl of Kellie Viscount Fenton Baron Erskine and Baron Dirleton in the Peerage of Scotland had made out his claim to the earldom of Mar in the Peerage of Scotland created in 1565, as consequential to such resolution and judgment, and that to rescind an Order so made in relation to a right to a Peerage adjudged after long investigation, and which Order has been acted upon at several elections of Scotch Peers, without any further inquiry and unsupported by any new evidence, would be contrary to the practice of this House and establish an objectionable and dangerous precedent."

The noble Earl said, that, after what had fallen from the noble Earl, it was necessary that he should explain why he had given Notice of his Amendment. He believed the question to be one of the deepest importance to the character of that House. They must remember that that House was the highest Court of Judicature in the Kingdom, and they must take the greatest care that nothing was done in regard to judicial questions which affected the character of the House or its power to give judgment on these matters. From the manner in which this question was handled, he thought many noble Lords had been influenced by wrong impressions. For instance, it had been very much the fashion to treat the Committee of Privileges as if it was not the House; whereas, in fact, it was a Committee of the Whole House. The House had always treated questions of Peerage in that way; and so remarkably careful had it always been to guard against miscarriage, that instead of requiring a quorum of only three, as at the ordinary Sittings of the House, it insisted, when in Committee upon Privilege, upon a quorum of seven. These questions of disputed Peerages were referred by the Sovereign to the House of Lords, as the highest Court of Judicature in the Kingdom, in order to obtain the opinion of that high Court; and when the question was decided by the House, notice was sent to the Queen of the decision come to, and that decision was final, and always acted on. He must ask their Lordships to consider what would be the effect if any Peer was, whenever he pleased, to get up and move that a judicial decision of the House be rescinded. The noble Earl now proposed the rescinding of a judicial Order; and the facts stated showed that it was necessary for

the House to make such Order, as otherwise there would be nothing but confusion in the Scotch Peers' elections. Objection was taken that the name of the Earl of Mar on the Roll of Peers was not placed according to the date at which the House had determined the Peerage was granted. There were two ways in which the question as to the date must be considered by those who took this matter up. Nobody could doubt that the date on the Roll was not the proper place of the Peerage awarded by the House to Lord Kellie; but it was also not the date of the Peerage claimed by Mr. Goodeve Erskine. From what took place before the Commission of Ranking, it was quite evident that the Lord Mar of that day was very anxious to get the old Earldom conferred on him; and, with that object in view, he adduced before that Commission three important documents. One was the Charter of Isabel of 1404; the second was the Act of Parliament of 1585, ratifying the whole right and title made to John, Earl of Mar, of the comitators as heir by progress to Dame Isabel; and the other was an extract of the retours of 20th March, 1588, whereby John, Earl of Mar, was declared her lawful heir. Therefore, the Commission had before them all the particulars of his descent, and all the evidence he could produce of his claim as heir to Isabella; but they refused to give him the date of 1404. On the contrary, the date which they assigned to the Earldom of Mar was 1457, thereby altogether refusing to admit that the Charter of Isabel of 1404 had anything to do with the Earldom then before them. There was no evidence whatever, from anything that had taken place in the Parliament of Scotland, or, since the Union, in the House of Lords, of any person being recognized as possessed of the ancient Earldom, since the death of the last heir male in 1377, which had, therefore, been now extinct for 500 years. During the interval, the Crown created several Earls of Mar; and down to the time when Queen Mary made Lord Erskine Earl of Mar on the eve of her marriage, no member of the family of Erskine was Earl of Mar. These and various other circumstances connected with the case being brought before the Committee of Privileges, the Committee came to the decision that Lord Kellie had made out his claim to the Earldom of

Mar created by Queen Mary. Those persons who took up the case of the other claimant did not quite accurately state the facts. They seemed to conceive that because he got returned as heir, to his uncle he was entitled to his Peerage; whereas it did not really show he was heir to the Peerage unless he could prove that the Peerage went to heirs general. The Order which the House was now asked to rescind had been in existence for five years, and had been acted on in several Scotch elections. After so long an interval, on account of some personal feeling, noble Lords came before the House, and urged their Lordships to say that it was desirable to rescind that Order. ["No, no!"] Well, he asked, why was not the subject brought forward before? For five years the decision of the House had been unchallenged; and now that it was challenged, what was the object of it? He believed it was to prevent Lord Mar having any place to answer from when the Union Roll was called. If the Motion were carried, and the Earl of Mar and Kellie answered to the Peerage on the Roll, his vote would be objected to. Well, was the Earldom of Mar, then, to have no place on the Union Roll? A Circular had been sent round to their Lordships, calling on them to maintain the "integrity of the Scotch Peerage," and stating that it was being placed in danger. Who, he asked, was endangering the integrity of the Scotch Peerage? and how was it being endangered? In his opinion, it was an entire misconception to use such terms as those. He desired particularly to impress on their Lordships not to do anything which would in any way affect the judicial character of that House. There was no point on which they required to be more careful than on that. In this country the House of Lords was the Supreme Court of Appeal; and their Lordships should be careful not to allow the impression to go abroad that in a matter of a judicial character the House would be guided without consulting those capable of giving advice. The noble Earl (the Earl of Galloway) seemed to think that any noble Lord was capable of giving advice on a judicial question. To carry his Motion would be, in effect, to establish a dangerous precedent. The noble Earl asked the House, without hearing further evidence, and without

conference with anyone capable of giving a judicial opinion, to rescind a judicial Order of the House. This was contrary to the established practice of the House, and would, if it were agreed to, establish a precedent as dangerous as it was new.

Amendment moved,

To leave out all the words after "That" for the purpose of inserting the following words: "further consideration has led this House to consider that it would be inexpedient to rescind the Order of the 26th February 1876, which was made after the House had resolved and adjudged that Walter Henry Earl of Kellie Viscount Fenton Baron Erskine and Baron Dirleton in the Peerage of Scotland had made out his claim to the earldom of Mar in the Peerage of Scotland created in 1565, as consequential to such resolution and judgment, and that to rescind an Order so made in relation to a right to a Peerage adjudged after long investigation, and which Order has been acted upon at several elections of Scotch Peers, without any further inquiry and unsupported by any new evidence, would be contrary to the practice of this House and establish an objectionable and dangerous precedent."—(*The Earl of Redesdale.*)

THE EARL OF CAMPERDOWN observed, that when noble Lords commenced addressing the House on the Mar Peerage they invariably commenced by referring to one Earl and then drifting on to speak of all the personages mixed up in the vexed question of the Mar Peerage. He ventured to think that the House was not quite in Order. The noble Earl opposite (the Earl of Galloway) did not, when he entered into the question and introduced his Motion, deal with the merits of the case; but had rather confined himself to the question whether the noble Earl the Chairman of Committees (the Earl of Redesdale) was in Order in putting his Amendment on the Paper. When the noble Earl moved his Amendment he went into the merits of the question, and entirely avoided going into the question of Order. The noble Earl (the Earl of Galloway) intended to raise a mere formal point of procedure. If the result of the debate on the 14th of June had been the opposite of what it had been, he (the Earl of Camperdown) had no hesitation in saying that the noble Earl (the Earl of Galloway) would have received a severe and well-deserved castigation from the noble Earl at the Table, if he had re-opened the whole question on a formal and technical point or a point of Order. He did not

even know if he could discuss the merits of the Amendment at the present stage of the debate. The first question for the House to decide was whether the noble Earl the Chairman of Committees was in Order in bringing forward his Motion?

LORD BLACKBURN said, he believed the Motion which the noble Earl (the Earl of Galloway) had placed on the Paper would do harm rather than good to the integrity of the Scottish Peerage. The question, "Who was entitled to the ancient Earldom of Mar?" was one which could not be decided except by a tribunal competent to take evidence, and decide upon the evidence before it. The question was not who should be the heir, but who should be Earl of Mar. Lord Kellie petitioned the Crown that he should be Earl of Mar. His Petition was referred to that House; and everyone must have known that the question referred to them was one which could not be determined without evidence. The House, in the ordinary course, referred the Petition to a Committee of Privileges, which was the ordinary and Constitutional mode of dealing with such a Petition. During the seven years that the question was before the Committee, an enormous mass of documentary evidence had been collected. He would not now say what the effect of that evidence would be; but it was at least so considerable in bulk that probably no noble Lord had read it through. Judgment had been given by the legal Peers, and the then Lord Chancellor (Earl Cairns) expressed an opinion upon the point raised with great clearness. He (Lord Blackburn) could not now absolutely affirm that the noble Earl (the Earl of Galloway) was wrong; but he could not say he was right. All he could at present venture to say was, that no man who had not read the evidence before the Committee of Privileges was competent to pass an opinion on the subject. The method now adopted was not the one by which the point could be satisfactorily decided. In a Court of Justice the practice always was to examine a man's title. Mr. Goodeve Erskine said he was the Earl of Mar. It was open to him to petition the Crown; the Petition would be sent down to the House, and the House would refer it to a Committee of Privileges. Against that the previous decision would be no

bar. Let him not be misunderstood. When he said it would be no bar, he did not mean to say it would not be an important element. The Petitioner had to make out his case in every instance. In this he would not only have to persuade the Committee that he was right, but to make them say that the former decision was wrong. If this question had to be re-tried, let that be done in a proper manner. Let not their Lordships make a rush without evidence, and merely on the authority of antiquaries and persons who knew no law. Those who wanted the House to rescind the Order of the 26th of February, 1875, said they did not want to interfere with the judgment of the House. That was very much as if, in relation to the judgment of a Court of Law, persons said they did not want to interfere with it; but only wanted to prevent its execution, and to see that the Sheriff did not carry it into effect.

THE MARQUESS OF HUNTLY wished that the noble and learned Lord (Lord Blackburn) had remained a little longer in his place the other evening, and had made himself more acquainted with the facts of the case. What they wanted to do was to put this Peerage upon the Roll. That had not yet been done; consequently, the Order of the House had not been carried out. He reminded the noble Earl at the Table (the Earl of Redesdale) that he quite misunderstood the reason why the question was allowed to slumber for five years after the Report of the Select Committee. The course which the affair took was as follows:—The Earl of Kellie came before the Committee of Privileges, and asked to be placed on the Union Roll as Earl of Mar, created in 1565; but the ancient Earl of Mar did not come as a claimant before this House at all. He merely protested against his Peerage being so put on the Roll. The Committee of Privileges went into the question, but they did not decide anything about the old Peerage; all they did was to allow the noble Earl (the Earl of Kellie) to have a Peerage of Mar of 1565. The House did not decide anything, either negatively or affirmatively, with regard to the ancient Earldom of Mar. At the last election at Holyrood, the Earl of Mar came forward to vote, and some noble Lords protested, and a "scene" followed. The noble Earl

The Earl of Camperdown

opposite (the Earl of Galloway) then came down, and moved that the Earldom as it stood should be brought down to the Roll of 1565. The Report of the Select Committee distinctly said that no Order was made with reference to the old Earldom, and distinctly affirmed that the old Earldom was still on the Roll. Let the noble Lord (the Earl of Mar and Kellie) put his Earldom on the Roll, and leave the old Earldom to take care of itself. He objected to the assertion that the Scotch Peers treated this question on personal grounds. The point to be decided was one involving more than personal interests for Scotch Peers—namely, what was the right place on the Union Roll for the Mar Peerage? The matter could not be left in its present position. He hoped their Lordships would not stultify themselves by insisting on the Resolution which had been carried the other day.

THE DUKE OF ARGYLL said, he was unable to understand what was the difficulty raised with regard to the point of Order. A few weeks ago the House came to the conclusion that it was incumbent on it to rescind a certain Order; but in order to carry that opinion into effect—as it was not binding—it was necessary that there should be a separate and new Motion to rescind. When the Motion was placed on the Paper, the noble Earl (the Earl of Redesdale) gave Notice of an Amendment. He did not see that the noble Earl could be accused of being out of Order in moving an Amendment to a new Motion brought before the House, consequent on the Resolution of the 14th of June. He did not intend to enter at any length into the merits of the question. Like most other Members of the Scotch Peerage, he thought the question one of great importance, apart from all personal considerations. He did not think that those who took the part of Mr. Goodeve Erskine acted from mere personal motives, for he believed that they desired to see the Scotch Peerage Roll made up properly for the honour of the Scotch Peerage. He could, to a certain extent, sympathize with those noble Lords. When the noble Earl the Chairman of Committees (the Earl of Redesdale) spoke of “personal motives,” he did not speak of personal motives in an unworthy sense; but he was bound to say, not having read the evidence before the

Committee, that he was unable to give an opinion on a legal question which ought to be decided by a legal tribunal. He did not think it would redound to the honour of the Scotch Peerage to snatch a victory by a chance vote. On the contrary, he thought they should abstain from any hasty expression on so important a subject. For himself, he would be glad if Mr. Goodeve Erskine could secure his Scotch Peerage; but the proper course must be taken to that end. One of the subordinate questions raised was where his name should stand on the Roll at Holyrood. The noble Duke opposite (the Duke of Richmond and Gordon) would know that that was a question which must be gone into with the fullest evidence and material for coming to a conclusion. For one, he (the Duke of Argyll) knew that his name occupied a position on the Roll which he ought not to do, and the same was the case with the noble Duke (the Duke of Sutherland). Noble Lords knew that those were not solitary instances, and if they were to go into that question it must be done in judicial form. If Mr. Goodeve Erskine wanted to keep his place he must issue a new Commission. This question should not be made a political or personal one; and he believed that on the 14th of June the House was hurried into giving a vote without having before it adequate information on the subject. He felt strongly the plea raised by the noble Earl (the Earl of Redesdale), to be zealous of the honour of the House when dealing with questions of a judicial character.

THE EARL OF MANSFIELD said, that the real reason why this question had been brought forward was that justice had not been done. He had looked into the decision of the Committee of Privileges, and he contended that it was contrary to justice in every way; and he could show from documents, legal and historical, that there was no proof that the date 1565 was correct for the Earl of Kellie's title of the Earl of Mar. He wished to ask how the Order of the Committee in the House was originally given out? He had heard that no Resolution of the House was come to, and that there was nothing recorded upon the Journals of the House. Although the House had not come to any decision with regard to the ancient Earldom of Mar, Mr. Goodeve Erskine,

as the noble Duke who had just sat down called him, but, as he preferred to call him, the Earl of Mar, was placed in the position that he could not present himself at the election of Scotch Peers and insist on having his claim to vote admitted. If noble Lords would only look into the question and consider it, they would see the injustice of what had been done. He knew of no individual, however, who had not, after examination, adopted his view of the matter. In Edinburgh all the lawyers in Parliament House were of one opinion; and when it was said that the House was acting against the legal authorities, he would remind the House that the decision of the Committee was come to against the opinions of the Attorney General for England and the Solicitor General for Scotland. They wished to see the Earl of Mar placed in a position in which he could claim to vote for the Earldom of Mar; and at present he could not do that. In conclusion, he expressed his intention of supporting his noble Friend on his right.

THE MARQUESS OF LOTHIAN said, that the passing of the Resolution of the noble Earl (the Earl of Galloway) would only add to the unseemly wrangles and scenes that had taken place, and would only increase the difficulties of the Lord Clerk Register. He pointed out that the proper course for Mr. Goodeve Erskine to pursue was to tender his vote before the Lord Clerk Register and raise his claim to the Earldom of Mar; then the proper number of Peers should protest against its being accepted; and then the question would be brought before the House of Lords for consideration. What would be the practical result if the Resolution of the noble Earl (the Earl of Galloway) should be carried? Why, there would be more confusion than at present; and, so far as the Roll of 1705 and the Union Roll were concerned, they had no legal force at all. They were not authoritative documents to show the precedence of Scotch Peers. As a Resolution, if carried, would not put an end to the difficulties, it could have no good purpose whatever. It could not prevent the Earl of Kellie answering as Earl of Mar when the title was called over; therefore, he would again suggest that Mr. Goodeve Erskine should present himself at Holyrood; that a protest should be made to the recep-

tion of his vote; and that the rights and the wrongs of his case should be brought for decision before the House of Lords, and he would be glad if he could prove his claim to the title.

THE LORD CHANCELLOR said, he might claim to speak impartially on this subject. In the first place, he was not a Scotch Peer, neither was he one of the Lords who took part in the hearing or the judgment of Lord Kellie's case. He was, in fact, disabled from doing so by the circumstance of his having been counsel for Mr. Goodeve Erskine as an opponent to Lord Kellie's claim. He had felt much interest in Mr. Erskine's claim, and wished very heartily for his success; and as far as his opinion when counsel went—which was not for a moment to be put in competition with that of the judicial tribunal—he had not formed an unfavourable opinion of Mr. Erskine's claim. He contended, therefore, that he was now able to offer impartial advice; and occupying the position he did, he felt it his duty to offer that advice, for it appeared to him that their Lordships had inadvertently become entangled in a dangerous position, which, if they did not extricate themselves from it, might be, in a high degree, detrimental to the character of their Lordships in one of their functions as to which it was essential they should be beyond censure or suspicion—he meant their judicial capacity. He could not agree with the noble Earl (the Earl of Galloway) that the Motion he had now made could have been regarded as a matter of form, even if no opposition had been offered; because he himself ventured, on a former occasion, to which reference had been made, to point out that it would be impossible for the House simply to rescind the Resolution of the 26th February, 1875, without substituting something else for it. He had hoped that that intimation of his opinion would not be lost on the noble Earl if he came forward to make a Motion; but it was clear to him that the noble Earl was embarrassed by his own success, and that he did not know what other Order to substitute for that which he proposed to rescind. The noble Earl talked of the Amendment as being unprecedented; but anything more unprecedented or dangerous than, on a Motion like this, after a general debate to rescind a judicial Order, without venturing to

say what other more proper Order should be substituted for it, could not be imagined. If the noble Earl had ventured to propose some other Order, there would have been only a choice of two courses open to him. If he had proposed to change the place of the title of Mar which now stands upon the Union Roll, by moving it to a lower position on that Roll, he would have prejudiced any future claim by Mr. Goodeve Erskine, who might hereafter come forward to show that there were two Earldoms of Mar, and that the Earldom now on the Roll was in a position, not lower, at all events, than that in which the more ancient Earldom, claimed by him, ought to be. This was the very thing which the Earl of Mar and Kellie, by his Petition in 1877, had asked the House to do, and which the Committee, then appointed to consider that Petition, for that very reason advised the House not to do. If, on the contrary, he had taken the other alternative, he would, in the name of the House, without any new evidence whatever, and without any judicial grounds before the House, have prejudged the matter in the teeth of the decision arrived at in 1875, by placing on the Union Roll two Earldoms of Mar; for whatever else was doubtful, this was certain—that Lord Cairns (then Lord Chancellor), Lord Chelmsford (a former Chancellor), and the noble Earl the Chairman of Committees, grounded their decision on reasons absolutely inconsistent with the hypothesis of there being, at the date of the Decree of Ranking, two Earldoms of Mar. If they had not believed that the evidence then before them proved the extinction, and failed to prove the restoration, of the ancient Earldom of Mar, it would have been impossible for them to hold that a Mar Peerage was created in 1565. He did not say whether they were right or not. He (the Lord Chancellor) adhered to what he had said on a former occasion—namely, that, as far as the judgment of the House was concerned, it had decided only that, the Earl of Kellie was entitled to a Peerage created in 1565; and that, if anyone else could now prove his right to a Peerage of Mar of earlier date, it was open to him to come forward and claim it. Noble Lords who took an interest in this question, and more especially the noble Earl who spoke last but one (the Earl of Mansfield), asked them

in a debate of that sort to proceed on the ground that injustice was done by their former decision. Their Lordships were asked extra-judicially, when probably not half-a-dozen of them had even attempted to read or consider the evidence, to decide against the deliberate judgment of Lord Cairns and the other two learned Lords, and to reverse a judicial decision of that House, on the ground that it was unjust. If anything in the world required to be done judicially, it would be such a reversal of a former Order, and the reasons avowed for such reversal formed the most cogent argument against the course proposed by the noble Earl. Noble Lords, who thought themselves qualified to sit in judgment on the decisions of that House, did not appear to have taken the trouble to inform themselves accurately on some even of the simplest elements of the case. The noble Earl (the Earl of Galloway) had said he thought his Motion followed naturally from the Report of the Committee of 1877; but he (the Lord Chancellor) was astonished at that assertion. The Select Committee of 1877 were asked by Lord Kellie to put the title of Mar lower down on the Roll, and the Select Committee thought that the object of the request was, apparently, to prejudice the claim of Mr. Goodeve Erskine. They said, in effect—"If Mr. Erskine asserts his right to be Earl of Mar, let him claim to vote; let there be protests against his claim, and then the matter must come to this House to be determined." It was, therefore, adjudged that nothing should be done on Lord Kellie's Petition; but the noble Earl (the Earl of Galloway) seemed to think the logical consequence of that decision was that the contrary course should be taken. The whole of the noble Earl's Motion was founded on the argument that it was impossible that the Peerage created in 1565 could be in the place on the Union Roll in which the Peerage of Mar was now found. That would be a very good argument if it were certain that all the Peerages were put on the Roll their proper order; but the Peerage of Mar was in a position on the Roll wholly inexplicable by any theory of that Peerage. The original Peerage was much older than 1404. It was dealt with in 1404 in a somewhat extraordinary manner by the Countess Isabel, the last of the ancient line who ever held the title

before 1565; and the evidences produced before King James the First's Commission of Ranking, on whose Decreet the Union Roll was founded, carried it back to 1404, and not earlier. But it was placed, by the Decreet of Ranking, and upon the Union Roll, next below the Earldom of Errol, which was not created till above half a century after 1404. If the Union Roll ought to be corrected, and if that could not be done by an application to the Court of Session, it ought to be done in a manner quite different from that proposed by the noble Earl. The Queen was the fountain of honour; and if there were errors in the Decreet of Ranking, which was made in 1606 under Royal authority, let there be a Petition presented to the Crown to have those errors corrected, and possibly the Crown might be advised to issue a Commission of Review, or might, if it were thought fit, refer any particular question of precedence for the determination of this House. If, under such a reference or otherwise, the House should ever have any duty to discharge in the matter, it must proceed in a more judicial manner than that recommended by the noble Earl.

THE EARL OF GALLOWAY, who rose amid cries of "Divide!" reminded their Lordships that he had reserved his remarks on the merits of the case, and that, therefore, he was entitled to be heard. The judgment of the Committee to which the Lord Chancellor and another noble and learned Lord, who had quoted the words of the noble and learned Earl (Earl Cairns) upon the occasion, referred was given five years ago, and he believed that opinions on that subject had altered very much since then. He would like to recall what the noble and learned Earl (Earl Cairns) said in the debate last year—namely—

"That the Peerage on the Roll which is called the Mar Peerage is not the Peerage which has been attached in this House to the Earl of Mar and Kellie; and, therefore, the Earl of Mar and Kellie should not be allowed to answer that call."—[3 *Hansard*, ccxlviii. 137.]

He considered that that confirmed his argument, that the Order was not consequential upon the judgment of the Committee of Privileges, as suggested in the Amendment of the Chairman of Committees.

THE LORD CHANCELLOR observed, that when the noble Earl quoted that

same passage from the noble and learned Earl's (Earl Cairns') speech on the 14th of June, the noble and learned Earl himself, after hearing the quotation, told him (the Lord Chancellor) that his words must have been incorrectly reported.

THE EARL OF GALLOWAY replied, that although the noble and learned Earl (Earl Cairns) was sitting below him when he read the quotation, he did not offer to challenge its accuracy. It was rather late in the day for them to be told now, in the noble and learned Earl's absence, that the report was not correct. Replying to some of the noble Earl's (the Earl of Redesdale's) criticisms, the noble Earl observed that Her Majesty the Queen had now been upon the Throne over 40 years. Supposing Her Majesty, having created a Peerage in the year 1840, had now appointed Ranking Commissioners to see that each Peer was put according to his proper precedence upon the Roll of Peers; and supposing that a Peer created by Her Majesty in 1840 came before those Commissioners in 1880, and claimed to be put on the Roll for the year 1730—would he have a chance of succeeding in such a claim? ["No!"] Well, this was exactly a similar case. It was exactly 40 years after 1565—namely, in 1605—that the Mar Peerage of 1565 was put upon the Decreet of Ranking. It was upon the authoritative documents he produced that he was put upon the Union Roll. ["Divide!"] He knew their Lordships were weary of this discussion; but he must say a word in reply to what fell from the noble and learned Lord on the Woolsack. It was not for him (the Earl of Galloway) to say what new Order should be substituted for the Order he proposed to rescind. All that he said was that the latter was at variance with the judgment of the Committee of Privileges; and he simply asked their Lordships to support and give effect to the Report of the Committee of Privileges. It had been said that it was open to the owner of the title of the ancient Earldom to go to Holyrood to vote, and thus have the validity of his vote tested. Well, the holder of this ancient Earldom did go to Holyrood; but what happened? The Lord Clerk Register declined to accept his vote, or to allow him to take part in the proceedings, threw his voting list on the floor, and told him he was a Peer of

his own creation. Therefore, this course which he now proposed was the only possible way of getting over the difficulty, and paving the way for a decision. If they removed the barrier offered by that Resolution, then they would give the claimant of the title the opportunity of doing that which noble Lords said he could do already, but which he had shown himself to have been a witness of his not having been allowed to do. He hoped their Lordships would not be carried away entirely by the opinions of noble and learned Lords. He asked them, remembering what had been the practical result hitherto, to support his Resolution, in order that an end might be put to this continual confusion.

THE DUKE OF RICHMOND AND GORDON wished to confirm the statement of the noble and learned Lord the Lord Chancellor, that his noble and learned Friend (Earl Cairns) denied the accuracy of that part of the report of his speech in *Hansard* which the noble Earl (the Earl of Galloway) had quoted. In proof of that, he would quote another passage inconsistent with it—namely—

“Now, the Roll of the Peers of Scotland is a public document, and in that Roll there is only one entry of the Earl of Mar. It may be in its right or wrong place—I cannot say anything about that—it is there, and it is to that that this Resolution must have necessarily referred.” —[*Ibid.* 138.]

For himself, he thought their Lordships on the present occasion would do well to follow the advice given on that question by the late Lord Chancellor, by the present Lord Chancellor, and also by the noble Earl the Chairman of Committees.

On Question, That the words proposed to be left out stand part of the Motion? Their Lordships *divided*:—Contents 52; Not-Contents 80; Majority 28.

CONTENTS.

Portland, D.	Haddington, E. [<i>Teller.</i>]
Abercorn, M. (<i>D. Aber-</i>	Mansfield, E.
<i>corn.</i>)	Manvers, E.
Ailesbury, M.	Morton, E.
Bristol, M.	Sandwich, E.
Bute, M.	Stanhope, E.
	Stradbroke, E.
Bradford, E.	Lifford, V.
Camperdown, E.	Strathallan, V.
Denbigh, E.	
Dundonald, E.	Bateman, L.
Ellesmere, E.	Beaumont, L.
Fortescue, E.	Brabourne, L.
Gainsborough, E.	Oakthorpe, L.

Clementa, L. (<i>E. Le-</i>	Oriel, L. (<i>V. Masse-</i>
<i>trim.</i>)	<i>reene.</i>)
Clifton, L. (<i>E. Darnley.</i>)	Oxenfoord, L. (<i>E. Stair.</i>)
Congleton, L.	Raglan, L.
Conyers, L.	Rayleigh, L.
Elgin, L. (<i>E. Elgin</i>	Stanley of Alderley, L.
<i>and Kincardine.</i>)	Stewart of Garlies, L.
Ellenborough, L.	(<i>E. Galloway.</i>)
Ettrick, L. (<i>L. Napier.</i>)	[<i>Teller.</i>]
Forester, L.	Stratheden and Camp-
Grey de Radcliffe, L.	bell, L.
(<i>V. Grey de Wilton.</i>)	Strathnairn, L.
Houghton, L.	Tollemache, L.
Leigh, L.	Tredegar, L.
Lilford, L.	Trevor, L.
Meldrum, L. (<i>M.</i>	Wentworth, L.
<i>Huntly.</i>)	Zouche of Haryng-
Northwick, L.	worth, L.

NOT-CONTENTS.

Selborne, L. (<i>L. Chan-</i>	Carrington, L.
<i>cellor.</i>)	Castlemaine, L.
Devonshire, D.	Clanwilliam, L. (<i>E.</i>
Richmond, D.	<i>Clanwilliam.</i>)
Westminster, D.	Clinton, L.
	Cottesloe, L.
Bath, M.	De L'Isle and Dudley,
Lansdowne, M.	L.
Northampton, M.	Denman, L.
	Foley, L.
Airlie, E.	Forbes, L.
Amherst, E.	Foxford, L. (<i>E. Lins-</i>
Annesley, E.	<i>rick.</i>)
Cadogan, E.	Gormanston, L. (<i>V.</i>
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Doncaster, E. (<i>D. Buc-</i>	Hammond, L.
<i>cleuch and Queens-</i>	Hare, L. (<i>E. Listowel</i> .)
<i>berry.</i>)	Inchiquin, L.
Granville, E.	Kenmare, L. (<i>E. Ken-</i>
Hardwicke, E.	<i>mare.</i>)
Kimberley, E.	Ker, L. (<i>M. Lothian.</i>)
Mar and Kellie, E.	Kintore, L. (<i>E. Kin-</i>
Minto, E.	<i>tore.</i>)
Morley, E.	Lawrence, L.
Nelson, E.	Lovel and Holland, L.
Portsmouth, E.	(<i>E. Egmont.</i>)
Ravenworth, E.	Monson, L. [<i>Teller.</i>]
Redesdale, E. [<i>Teller.</i>]	Mostyn, L.
Saint Germans, E.	Norton, L.
Selkirk, E.	O'Neill, L.
Spencer, E.	Ribblesdale, L.
Yarborough, E.	Salterford, L. (<i>E. Cour-</i>
	<i>town.</i>)
Bangor, V.	Saltoun, L.
Cranbrook, V.	Sandhurst, L.
Eversley, V.	Sefton, L. (<i>E. Sefton.</i>)
Hawarden, V.	Sherborne, L.
Melville, V.	Silchester, L. (<i>E. Long-</i>
Sherbrooke, V.	<i>ford.</i>)
Aberdare, L.	Strathspey, L. (<i>E. Sea-</i>
Aveland, L.	<i>field.</i>)
Bagot, L.	Sundridge, L. (<i>D. Ar-</i>
Balfour of Burleigh, L.	<i>gyll.</i>)
Blackburn, L.	Vernon, L.
Bolton, L.	Walsingham, L.
Borthwick, L.	Watson, L.
Boyle, L. (<i>E. Cork</i>	Wolverton, L.
<i>and Orrery.</i>)	Wrottesley, L.

Resolved in the Negative.

THE PRISONS ACT, 1875 — MAGISTRATES' SENTENCES—THE CASE OF CATHERINE CONNOLY.—QUESTION.

THE EARL OF HARDWICKE asked Her Majesty's Government, Whether the report in the daily journals of the 26th of June respecting a sentence passed on Catherine Connoly by Mr. Barstow was correct?

THE EARL OF FIFE, in reply, said, he thought it was only right that he should state that the offence with which this woman was charged was one of a serious nature against prison discipline—namely, conveying tobacco into a prison. When she was charged she made no defence, nor did she state that she was the wife of the prisoner to whom she brought the tobacco; but merely stated that she had been persuaded by a man to put it into the cake she brought. It must be pointed out that even a wife could not be allowed to break the law of prison discipline with impunity, and that if such an idea were to prevail it would be necessary to forbid the visits of wives to husbands in prison, and thus the innocent would suffer for the guilty. Under the circumstances of the case, and considering especially that the husband was already in prison, and that the home would be rendered altogether destitute, the Secretary of State for the Home Department, with the entire concurrence of the magistrate who tried the case, had ordered the remission of the remaining portion of the sentence. The woman was accordingly liberated yesterday.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDERS (ARTIZANS AND LABOURERS DWELLINGS (DUBLIN) AND WATERWORKS (ARMAGH) BILL [H.L.]

A Bill to confirm a certain Provisional Order of the Local Government Board for Ireland made under the Artizans and Labourers Dwellings Improvement Act, 1875, relating to the City of Dublin; and a certain Provisional Order of the said Board made under the Public Health (Ireland) Act, 1878, relating to waterworks in the city of Armagh—Was *presented* by The LORD PRESIDENT; read 1^a, and *referred* to the Examiners. (No. 114.)

House adjourned at half past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS.

Thursday, 1st July, 1880.

MINUTES.]—NEW MEMBER SWORN—Pandolfi Ralli, esquire, for Wallingford.
PRIVATE BILL — *Select Committee — Report —* Liverpool Corporation Water *.
PUBLIC BILLS—*Second Reading*—Relief of Distress (Ireland) * [244], *debate adjourned*.
Committee—Report—Limitation of Costs (Ireland) (*re-comm.*) * [250]; Wild Birds Protection Law Amendment * [211-253].
Third Reading—Local Government Provisional Orders (Ashford, &c.) [New Title] * [122]; Local Government Provisional Orders (Bethesda, &c.) * [128], and *passed*.
Withdrawn—Bank Holidays (Scotland) * [240].

CONTROVERTED ELECTIONS.

Mr. SPEAKER informed the House, that he had received from Lord Justice Coleridge and Mr. Justice Grove, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Report relating to the Elections for

The Borough of Nottingham,
The Borough of Leominster;
The Borough of Bury St. Edmunds;
The Borough of Wilton; and
The Borough of Horsham:

From Mr. Baron Fitzgerald and Mr. Justice Barry, two of the Judges selected in pursuance of the same Act, a Certificate and Report relating to the Election for

The County of Down:

And from Mr. Justice Denman and Mr. Justice Lopes, two of the Judges selected, in pursuance of the same Act, a Certificate and Report relating to the Election for

The Borough of Bewdley.

BOROUGH OF NOTTINGHAM ELECTION, &c.

Court of Common Pleas, Westminster.

28th June 1880.

Sir,

We have the honour to report to you that the Petitions against the Returns of Members for the following places have been withdrawn by leave of the Court.

The Borough of Nottingham;
The Borough of Leominster;
The Borough of Bury St. Edmunds;
The Borough of Wilton; and
The Borough of Horsham.

We have also to report that, in our opinion, the withdrawal of none of these Petitions was the result of any corrupt arrangement or in consideration of the withdrawal of any other Petition.

With reference to the withdrawal of the Nottingham Petition, the Lord Chief Justice received through the Post the letter which he

incloses to you herewith. We express no opinion whatever upon the value or worthlessness of the communication, but, inasmuch as it is not anonymous, and refers to an Election Petition, we have thought it proper to transmit it to you. The allegations made in it were denied on oath by the Petitioners and the Petitioners' Agents; and we see no reason to doubt the truth of their assertions. The Respondent made no statement or affidavit and desired his Petition to proceed; but, as we saw no reason to believe the Petitioners to be in any default, or to be in any way connected with the letter or the statements in it, we did not accede to this desire and allowed the Petition to be withdrawn.

We are, Sir,

Your obedient humble servants,

COLERIDGE,

Lord Chief Justice of the Common Pleas.

W. R. GROVE,

Judge of the Common Pleas.

The Right Honble.

The Speaker of the House of Commons.

Nottingham,

June 22nd, 1880.

To Lord Justice Coleridge.

My Lord,

I hope you will pardon me troubling you but having seen an announcement in the Nottingham papers of an application to withdraw the Nottingham Petition, I thought it only my duty to inform your Lordship of a report that is gaining currency in the town, namely, that the Liberals have agreed to pay over a sum of \$10,000 on condition that the Petition is unconditionally withdrawn.

I may add that the application to withdraw the Petition has given great dissatisfaction to a many, as bribery is supposed to have prevailed to an alarming extent. Hoping your Lordship will not think me presumptuous in thus writing to you.

I remain,

My Lord,

Your humble Servant,

JAMES NORMAN.

Lord Justice Coleridge.

COUNTY OF DOWN ELECTION.

The Parliamentary Elections Act, 1868, and The Parliamentary Elections and Corrupt Practices Act, 1879.

Election for the County of Down, holden on the 7th day of April 1880.

Blakely McCartney, Petitioner; Charles Stewart Vane Tempest, commonly called Lord Viscount Castlereagh, Respondent.

The matter of the Petition above-mentioned was heard before us, Francis Alexander FitzGerald, one of the Barons of the Exchequer Division of the High Court of Justice in Ireland, and Charles Robert Barry, one of the Justices of the Queen's Bench Division of the High Court of Justice in Ireland, being two of the Judges for the time being on the rota for the trial of Election Petitions in Ireland, at

Downpatrick, on the 17th, 18th, 19th, 21st, 22nd, 23rd, 24th, 25th, 26th, 28th, and 29th days of June 1880, and at the conclusion of the trial on the last-mentioned day we differed, and do hereby certify to the Right Honorable The Speaker of the House of Commons that we so differed, as to whether the said Charles Stewart Vane Tempest, commonly called Lord Viscount Castlereagh, was duly elected and returned as a Member to serve in Parliament for the County of Down at the Election to which the Petition relates, and that I, the said Francis Alexander FitzGerald, was and am of opinion that the said Viscount Castlereagh was duly elected and returned, and that I, the said Charles Robert Barry, was and am of opinion that the said Viscount Castlereagh was not duly elected.

We further certify that I, the said Francis Alexander FitzGerald, was and am of opinion that the corrupt practice of undue influence was not proved to have been committed at such Election by the said Viscount Castlereagh, or with his knowledge and consent, or on his behalf, and that I, the said Charles Robert Barry, was and am of opinion that the corrupt practice of undue influence was proved to have been committed at such Election on behalf of the said Viscount Castlereagh, but not by him or with his knowledge or consent.

Further we report that, save as aforesaid, no corrupt practice was proved to have been committed at such Election by or with the consent or knowledge of any of the candidates at said Election.

Further we report that we have no reason to believe that corrupt practices extensively prevailed at the Election to which this Petition relates.

Dated this 30th day of June 1880.

F. A. FITZGERALD,

Baron of the Exchequer Division of Her Majesty's High Court of Justice in Ireland.

CHARLES R. BARRY,

Justice of the Queen's Bench Division of Her Majesty's High Court of Justice in Ireland.

BEWDLEY ELECTION.

Parliamentary Elections Act, 1868.

To The Right Honble.

The Speaker of the House of Commons.

We, the Honble. George Denman, and Sir Henry Lopes, kt., Judges for the trial of Election Petitions in England, do hereby, in pursuance of the said Act, certify,—

That upon the 23rd day of June and following days we held a Court at Bewdley for the trial of, and did try, the Election Petition for the Borough of Bewdley, between William Francis Spencer and John Blundell, Petitioners; and Charles Harrison, Respondent.

And, in further pursuance of the said Act, we certify that we determined that the said Respondent was not duly elected and returned, and that the said Election is void.

And we hereby certify in writing such our determination to you.

And whereas charges were made in the said Petition of corrupt practices having been committed at the said Election, we, in further pursuance of the said Act, report in writing to you as follows:—

1. That no corrupt practice was proved to have been committed by or with the knowledge of any Candidate at the said Election.

2. That the following persons were proved at the said trial to have been guilty of corrupt practices at the said Election: viz. Thomas Nellist and Frederick Cole, of bribery.

3. That we have no reason to believe that corrupt practices extensively prevailed at the said Election to which the said Petition relates.

GEORGE DENMAN.
HENRY C. LOPES.

York,

30 June, 1880.

And the said Certificates and Reports were ordered to be entered in the Journals of this House.

QUESTIONS.

CUSTOMS AND INLAND REVENUE BILL —THE WINE DUTIES.

MR. J. G. HUBBARD gave Notice that to-morrow he would ask the Prime Minister, Whether, considering the uncertainty which prevails in regard to the French Commercial Treaty, he proposes to omit from the Customs and Inland Revenue Bill the provisions bearing upon the Wine Duties; and whether, in the event of proposing changes, he will announce them at the earliest moment, so as to terminate the state of uncertainty that is now affecting the interest of the wine trade?

MR. GLADSTONE: Perhaps it will be convenient that I should say now what I should have to say at a later period. I propose on a future day—on Monday—to re-commit the Customs and Inland Revenue Bill *pro forma*. I shall then name a day for its re-consideration; and in the new Bill I do not propose to include the provisions relating to the Wine Duties, being aware of the great inconvenience which would result

“We learn upon authority—which we fear is too good to be doubted—that it is the intention of the Government to drop the Hares and Rabbits Bill for this Session.”

Further, if the alleged intention to drop the Bill was unauthorized, on what day it might be expected that the debate on the second reading would be resumed?

SIR WILLIAM HARCOURT: I may as well answer that Question at once. The Government have no intention of abandoning the Bill; but it is not entirely in their power as yet to fix a day for the resumption of the debate on the second reading.

HOUSE OF PARLIAMENT—THE ELECTRIC LIGHT.

MR. D. GRANT asked the First Commissioner of Works, Whether he will take into his consideration the advisability of substituting the electric light for the purpose of illuminating the House in place of the gas as now used in the roof?

MR. ADAM: The question of lighting the House and approaches by the electric light has received, and is receiving, careful consideration. I will take care that it continues to receive full attention; but I am not prepared at present to recommend any definite course of action on so important a question, involving much change and alteration of existing arrangements, and which ought not to be finally adopted without going through the test of careful experiment.

NATIONAL SCHOOLS (IRELAND)— NATIONAL SCHOOL TEACHERS.

MR. VILLIERS STUART asked the Chief Secretary to the Lord Lieutenant of Ireland, If he would explain to the House under what circumstances and for what reason a retiring gratuity was last
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to establish a convict establishment at Galway in place of the establishment at Spike Island?

MR. W. E. FORSTER, in reply, said, he understood the late Government did not make a distinct pledge on the subject, but only intimated that it would receive favourable consideration. When the Government came into Office they found the subject was still under consideration. As the present Government were not responsible for anything done by the late Government, they did not feel bound by the opinions of the late Government; and, besides that, it must be remembered that the subject of the question was only a part of the whole matter of prisons. All he could say was that when the question came to be considered, the claims of Galway would receive very careful attention.

THE FINANCE ACCOUNTS—ANALYZED ACCOUNTS.

MR. J. G. HUBBARD asked the Financial Secretary to the Treasury, When the Finance Accounts for the year 1879-80 will be presented; when the Analysed Account of Public Income and Expenditure for the year 1879-80 (in continuation of Parliamentary Paper, No. 376, of Session 1879), ordered by the House, will be presented; and, whether he would direct that this Analysed Statement be incorporated in the volume of Finance Accounts?

LORD FREDERICK CAVENDISH: The Treasury expect to be in a position to present the Finance Accounts in about a fortnight. The Analyzed Account to which the Question refers will be ready about the same time; and, being presented to Parliament in a separate form, there seems to be no reason for printing it over again in the Finance Accounts.

FRENCH MERCANTILE MARINE.

DR. CAMERON asked the Under Secretary of State for Foreign Affairs, If he would lay upon the Table, with as little delay as possible, a translation of the "Projet de loi sur la Marine Marchande," at present being promoted by the French Government?

SIR CHARLES W. DILKE: The Bill in question is now under discussion in the Chamber of Deputies, and alterations are frequently made in it. As soon

as it is finally passed by the Chamber it shall be laid on the Table of the House, even without waiting for its going to the Senate.

TREATY OF BERLIN—THE GREEK FRONTIER.

MR. ARTHUR ARNOLD asked the Under Secretary of State for Foreign Affairs, Whether it is true that the Plenipotentiaries now assembled in Conference have arrived at a unanimous agreement with reference to a line for the rectification of the Turko-Greek frontier?

MR. BOURKE asked, Whether the Papers relating to the Berlin Conference can now be laid before Parliament?

MR. ALDERMAN COTTON asked, Whether, as the Conference now sitting at Berlin has agreed, with reference to the Greco-Turkish frontier question in connection with the Treaty of Berlin, as to the boundary line which should be adopted by both Countries, the hon. Gentleman can state whether all the Powers are prepared to use their united influence on both Governments to bring to a successful issue their decision?

SIR CHARLES W. DILKE: In answer to the hon. Member for Salford and the hon. Member for the City of London, I have to state that the Plenipotentiaries of the Powers in Conference at Berlin have arrived at a unanimous conclusion with regard to the line of Frontier between Greece and Turkey for submission to their respective Governments. But no final decision has yet been come to by the Powers as to the steps to be taken in order to bring the conclusions of the Conference to the notice of the Turkish and Greek Governments. With regard to the Question of the right hon. Member for King's Lynn, I fear that it would be quite impossible to lay the Correspondence before the House at the present stage of the proceedings. Negotiations are still going on with regard to some subsidiary questions, and we have not yet received the full and final Reports of the Conference.

In reply to Lord JOHN MANNERS,

SIR CHARLES W. DILKE said, he would see whether the Austrian Staff Map, showing the boundaries, could not be laid on the Table of the Library.

And whereas charges were made in the said Petition of corrupt practices having been committed at the said Election, we, in further pursuance of the said Act, report in writing to you as follows:—

1. That no corrupt practice was proved to have been committed by or with the knowledge of any Candidate at the said Election.

2. That the following persons were proved at the said trial to have been guilty of corrupt practices at the said Election: viz. Thomas Nellist and Frederick Cole, of bribery.

3. That we have no reason to believe that corrupt practices extensively prevailed at the said Election to which the said Petition relates.

GEORGE DENMAN.
HENRY C. LOPES.

York,

30 June, 1880.

And the said Certificates and Reports were ordered to be entered in the Journals of this House.

QUESTIONS.

CUSTOMS AND INLAND REVENUE BILL —THE WINE DUTIES.

MR. J. G. HUBBARD gave Notice that to-morrow he would ask the Prime Minister, Whether, considering the uncertainty which prevails in regard to the French Commercial Treaty, he proposes to omit from the Customs and Inland Revenue Bill the provisions bearing upon the Wine Duties; and whether, in the event of proposing changes, he will announce them at the earliest moment, so as to terminate the state of uncertainty that is now affecting the interest of the wine trade?

MR. GLADSTONE: Perhaps it will be convenient that I should say now what I should have to say at a later period. I propose on a future day—on Monday—to re-commit the Customs and Inland Revenue Bill *pro forma*. I shall then name a day for its re-consideration; and in the new Bill I do not propose to include the provisions relating to the Wine Duties, being aware of the great inconvenience which would result from prolonged uncertainty.

HARES AND RABBITS BILL.

MR. J. HOWARD gave Notice that to-morrow he would ask the Home Secretary, Whether there is any foundation for the statement in *The Mark Lane Express* of this week—

“We learn upon authority—which we fear is too good to be doubted—that it is the intention of the Government to drop the Hares and Rabbits Bill for this Session.”

Further, if the alleged intention to drop the Bill was unauthorized, on what day it might be expected that the debate on the second reading would be resumed?

SIR WILLIAM HARCOURT: I may as well answer that Question at once. The Government have no intention of abandoning the Bill; but it is not entirely in their power as yet to fix a day for the resumption of the debate on the second reading.

HOUSE OF PARLIAMENT—THE ELECTRIC LIGHT.

MR. D. GRANT asked the First Commissioner of Works, Whether he will take into his consideration the advisability of substituting the electric light for the purpose of illuminating the House in place of the gas as now used in the roof?

MR. ADAM: The question of lighting the House and approaches by the electric light has received, and is receiving, careful consideration. I will take care that it continues to receive full attention; but I am not prepared at present to recommend any definite course of action on so important a question, involving much change and alteration of existing arrangements, and which ought not to be finally adopted without going through the test of careful experiment.

NATIONAL SCHOOLS (IRELAND)— NATIONAL SCHOOL TEACHERS.

MR. VILLIERS STUART asked the Chief Secretary to the Lord Lieutenant of Ireland, If he would explain to the House under what circumstances and for what reason a retiring gratuity was last year refused by the Commissioners of National Education to Mr. John Coleman, National School teacher, of Knockanore, in the county of Waterford, who, after twenty-five years of efficient service and blameless life and conduct, has been compelled to retire through loss of eyesight, and is now left destitute in his old age, and with no resource but the poorhouse; and, whether an annual sum is not voted by Parliament to meet such cases?

MR. W. E. FORSTER: The sum annually voted by Parliament is intended

to be given as retiring gratuities to meritorious National School teachers. I am sorry to say that in regard to the case of Coleman it is not correct to say that he had passed 25 years of efficient service and blameless life and conduct. In 1866 serious charges were brought against him, one of them being that he had been convicted of drunkenness in the town of Youghal. The Commissioners were able to go into the application for these annuities in his case, and they found he had been also fined in 1873 for falsifying the ages of his pupils, and that in 1877 10 per cent had been deducted from his results fees. I would ask my hon. Friend and other hon. Gentlemen interested in individual cases whether it would not be better to come to me in the first instance, and if they are not satisfied with my answer they can give Notice of any Question. At present it not only takes up the time of the House, but it leads to statements about individuals which might otherwise be avoided.

NATIONAL SCHOOLS (IRELAND)—ASSISTANT TEACHERS.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention had been called to the Resolution of the Roman Catholic hierarchy, forwarded to the Commissioners of National Education last December, condemnatory of the recent action of the Board in requiring an average attendance of seventy instead of fifty scholars to secure the payment for the services of an assistant teacher in national schools; whether the Right honourable Gentleman, in view of this Resolution from so influential a body, will direct the Education Board to modify the Rule; whether the work of teaching in national schools, owing to the system of payment by results, is not greater than it was in 1863; and, whether it is true that half the inspecting staff, during the years the results system has been in operation, have left the service through infirmity, or have died?

MR. W. E. FORSTER: I have seen, Sir, the Resolution of the Roman Catholic Archbishops and Bishops with regard to the question referred to by the hon. Gentleman, and I have also seen a Memorandum from the Commissioners of National Education, stating the grounds

on which they do not agree with that Resolution. It would not be fitting for me, or anyone appointed to a responsible office, to decide upon the Resolution without full inquiry into the matter. Payment for results has increased the salaries of teachers. I do not think that the labour of conscientious hard-working teachers is greatly increased owing to payment for results, though, no doubt, the additional payments will stimulate those who were apathetic before. It is not correct to say that half the inspecting staff have left the service through infirmity, or have died since the system of payment for results had come into operation. The number of inspectors is 98, and the total number of vacancies from all causes is 26, or little more than one-fourth, in the eight years.

LANDLORD AND TENANT (IRELAND)—EXECUTION CREDITORS.

MR. PARNELL asked Mr. Attorney General for Ireland, Whether his attention has been directed to the cases of *Garde v. Dunlea*, and *Garde v. Baylor*, in the Exchequer Division of the High Court of Justice, Ireland; whether verdicts for £500 were given by direction of the Judge against both defendants at the last Clonmel Assizes; whether a new trial has now been refused Mr. Baylor; whether the cases arose because the defendants, who are merchants of Fermoy, county Cork, executed decrees for amounts under £14 and £6 for debts justly due to them by a tenant of plaintiff's, and thus, as was held, rendered themselves each liable for the full amount of a year's rent (£500), owed by this tenant to Mr. Garde, his landlord; if the Government intend to take steps to remedy the present state of the Law in Ireland, under which it appears possible for landlords, whose tenants are in arrear, to recover these arrears from any other creditors of the tenant who may attempt legally to enforce their claims; and, whether, as a verdict for the amount of the year's rent due to Mr. Garde in the cases under notice, £500 was returned against both Mr. Baylor and Mr. Dunlea, the landlord will be entitled to obtain the £500 from each separately, and afterwards to recover the same sum from his tenant?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): In answer to the Question of the hon. Member, I may say my attention has been directed to the cases referred to, and the facts are substantially as stated by him. The actions were brought by the landlord under the authority of a statute passed in the reign of Queen Anne, by which a tenant's goods are exempt from execution unless the execution creditors undertake to pay the rent due to the landlord not exceeding one year's rent. The question whether the liability was for the entire year's rent, or only the value of goods seized, was now the subject of an appeal from the judgment of the Exchequer Division. As to the question whether the Government will take steps to remedy the present state of the law in Ireland, I am not prepared to say they will do so. The law in England and in Ireland is in this respect identical; and, no doubt, it is one of those matters which may have to be considered in dealing with the Land Question. As to the final portion of the Question, whether the landlord can recover the full year's rent from each of the creditors, and afterwards from the tenant also, I venture to think he must be content with something less than three times his rent.

MADAGASCAR—TREATY OF 1865.

MR. T. FRY asked the Under Secretary of State for Foreign Affairs, If he will lay upon the Table a Copy of such proposals as may have been made by the Government of the Queen of Madagascar for the revision of the Treaty of 1865, with any Correspondence that may have taken place thereon?

SIR CHARLES W. DILKE: Correspondence is still going on with regard to the proposals, and it would not be convenient to lay the Papers before the House in their present shape.

CONTROVERTED ELECTIONS — PLYMOUTH ELECTION PETITION.

MR. PULESTON asked the Secretary of State for the Home Department, Whether his attention has been directed to the following remarks of the learned Judge in the judgment given in the case of the Plymouth Election Petition, viz.:—

"I have never unseated an innocent Member for the Acts of his agent without feeling that the law which so punishes both of the Member and the constituency for the single act of an agent is unduly severe;"

and, whether he will take the matter into consideration before the introduction of a new Ballot Act?

SIR WILLIAM HARCOURT: My attention has not been called to the judgment of the learned Judge except by the Question of the hon. Member; but, assuming that his words are correctly stated, I must express my entire dissent from the view of the learned Judge. I believe every man in this House to be innocent; but I cannot think it would be safe to hold that a Member, or a candidate, should not be responsible for the action of his agent. It is perfectly plain that an agent by a single act might corrupt a whole constituency; and, therefore, I cannot promise that in a new Ballot Act I will propose to repeal the old law by which the responsibility is thrown upon a Member or a candidate.

TRAINING SCHOOLS (IRELAND).

SIR JOSEPH M'KENNA asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Her Majesty's Government will be prepared to reduce the charge applicable for the present Government Training Schools, which do not enjoy the confidence of the Catholic, with a view to taking on the charge for those schools, which are acceptable to them, and are now in efficient operation?

MR. W. E. FORSTER: Sir, this whole question of training schools, and of the money allowed by the State for them, is one which requires very close attention, and it shall have it. With regard to the Marlborough Street model schools, I do not think that the charge for them can be reduced without materially diminishing their efficiency, and I believe they do much good. As to model schools generally, I do not think any Government ought to be called upon to give an opinion without full consideration.

COLONY OF VICTORIA—THE LEGISLATIVE ASSEMBLY.

MR. COURTNEY asked the Under Secretary of State for the Colonies, Whether it is true that the Victorian

Assembly, elected early in March last, has thrown out the Reform Bill brought in by the Ministry called to power upon the election of that assembly; and, whether the Ministry have recommended another dissolution to the Governor; and, if so, whether the Governor has resolved to act upon that recommendation?

MR. GRANT DUFF: Yes, Sir; these statements are perfectly correct.

BURMAH.

MR. BRYCE asked the Secretary of State for India, What is the present state of diplomatic relations between the Government of India and the King of Burmah; and, whether, having regard to the conciliatory disposition evinced for some months past by the King of Burmah, Her Majesty's Government will consider the propriety of directing the British Envoy to return to Mandalay?

THE MARQUESS OF HARTINGTON, in reply, said, in consequence of the attitude of the Government of Burmah towards the British Resident at Mandalay and other causes, the relations of the Indian Government to the Government of Burmah last year were extremely strained. On the death of Mr. Shaw in June 1879, Colonel Harold Browne was immediately despatched to succeed him; but, in consequence of the difficulties of his position, that gentleman was recalled, and an Assistant Resident left at the capital to transact current business. The latter found his position at Mandalay so precarious, that it was impossible for him to remain any longer without danger to his own life and that of his assistants; and, consequently, in October 1879, the British Mission was withdrawn. In consequence of certain riotous assaults since that period in Upper Burmah on British flotilla steamers, demands for redress had been addressed to the Government of Burmah; but the result was not yet known. The Indian Government would consider the propriety of appointing a British Resident as soon as certain stipulations which it was considered right and necessary to insist upon with regard to the treatment of the Mission should be accepted. A special Mission had been sent by the King of Burmah to the Frontier; but, although it was said to have full powers, it appeared that the Envoy had

not been definitely instructed by the King to assent to the preliminary conditions which the Indian Government considered indispensable to the re-establishment of a British Mission at Mandalay. The whole question of our relations with Burmah was now under the consideration of the Government of India; and, no doubt, the Viceroy would be greatly assisted by the advice of the Chief Commissioner of British Burmah, who had lately been appointed a provisional member of the Council of the Governor General.

THE HOUSES OF PARLIAMENT—DECORATION OF THE CENTRAL HALL.

MR. SCHREIBER asked the First Commissioner of Works, When he intends to complete the mural decoration of the central hall of the Houses; whether he is in possession of designs for the three vacant panels; and, at what cost each panel can be filled in with Mosaics?

MR. ADAM: The question as to the best mode of filling in the vacant panels in the Central Hall has given rise to much discussion, and was very fully inquired into in 1870 and 1871; but no definite conclusion was arrived at. I am of opinion that the vacant spaces should be filled up; but I am unable, without further consideration, to state when this can be done. No designs exist for the vacant panels. The cost of the panel already filled in was about £675; but I am unable at present to say what will be the cost of filling in the vacant panels.

INDIA—CORPORAL PUNISHMENT IN INDIAN GAOLS.

MR. A. M. SULLIVAN asked the Secretary of State for India, Whether, considering the contemplated abolition of flogging in Her Majesty's Naval and Military Services, the Government will take any and what measures to abolish punishment by the lash or bamboo amongst Her Majesty's Indian subjects?

THE MARQUESS OF HARTINGTON: In answer to the Question the hon. and learned Member gave Notice of the other day, and which does not appear on the Paper, I may state that I have made inquiries, and find that corporal punishments in India are inflicted under different regulations from those which have

been hitherto in force in regard to the Army and Navy. As far as I am able to ascertain, the punishment is usually inflicted, not with a "cat-o'-nine-tails," but with a light cane; certainly in all cases of juvenile offenders that is so, and even when the punishment is inflicted on adults it is of a mild description. So much in answer to the general question of the hon. and learned Member. I may say that the experiment of discontinuing the punishment was tried on several occasions, both partially and in the whole of India. From 1862 to 1864 the punishment was not inflicted. During that time complaints were made by all the Local Governments of the difficulty experienced in the interval. It has not been, therefore, continued or adopted by the Government of India without full consideration. Among the considerations which have rendered it necessary was the difficulty of inflicting any suitable punishment in a tropical climate. Imprisonment and solitary or separate confinement were to be avoided as far as possible, owing to the mortality which occurred being very high in crowded gaols, among prisoners who had been accustomed to spend almost their whole lives in the open air. It would be impossible to take any hasty or precipitate step in this matter. All I can undertake to do is to call for full Reports from the Government of India and the local Governments as to the circumstances in which the punishment is inflicted, and the necessity that now exists for maintaining it. I will further ask them for any suggestions they may have to make as to its modification or possible discontinuance.

FISHERY PIERS AND HARBOURS (IRELAND)—ARKLOW HARBOUR.

MR. M'COAN asked the Secretary to the Treasury, To say, having regard to the admission contained in the Preamble to a Bill introduced by the late Government in 1876 for the improvement of Arklow Harbour, that said harbour was an important station and place of refuge for vessels employed in prosecuting the sea fisheries on the east coast of Ireland, and should be deepened, extended, and otherwise improved, and also having regard to the opinion expressed by his Grace the Duke of Marlborough when, as Lord Lieutenant, he visited Arklow in November 1878—"That the improve-

ment of Arklow Harbour would be a work of national importance as well as local benefit," whether prompt measures will be taken by the Government to acquire, by arbitration or otherwise, possession of the harbour from its present proprietors, in order that works of improvement of such admitted public importance may be proceeded with without further delay?

LORD FREDERICK CAVENDISH: As the hon. Member is probably aware, the Bill introduced by the late Government for the improvement of Arklow Harbour contemplated the transfer of the harbour to the Board of Works for improvement, at an estimated cost of £26,000, one-half to be a free grant and the other half to be advanced by way of loan on certain specified security; and that, on the completion of the works, the harbour should be handed over to a body of local Commissioners. The Bill was ultimately withdrawn, in consequence of certain conditions demanded by the Wicklow Copper Mining Company, who are the owners of the harbour, with which the Government were unable to comply. The Company made a fresh proposal last year, to which also the Government were not able to agree. The effect of this proposal was that, while retaining the harbour as their own property, the Company should obtain the grant which it had been proposed, under the Bill of 1876, to make on the condition of the harbour being constituted public property and vested in local Commissioners. The Government would be ready to consider any proposals for an agreement, whether by arbitration or otherwise, which may be brought before them, if they are such as could be fairly entertained; but they are not prepared to take the initiative in the matter.

ELEMENTARY EDUCATION — BOARD SCHOOLS—CORPORAL PUNISHMENT.

SIR CHARLES REED asked the Secretary of State for the Home Department, Whether his attention has been called to the case of Jeffry v. Taylor, decided at the Southwark Police Court on Wednesday June 16th, in which a head teacher was fined for inflicting corporal punishment in school hours; and, whether, under the circumstances, he is prepared to advise that

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the conviction be quashed, and to state the law with reference to the infliction of corporal punishment in schools?

SIR WILLIAM HARCOURT: As to the state of the law generally, I imagine that in schools the schoolmaster is justified in inflicting a reasonable amount of corporal punishment; but it is for the magistrate, on a complaint being made by a parent, to determine whether that punishment is reasonable or not. That is generally the state of the law on the subject. I have inquired into this particular case; and it appears that the parents complained of the punishment of the child, who had been kept at home, and who had been punished by the schoolmistress, on return to school, with a cane. It appears from the statement of the magistrate, that the schoolmistress had not obeyed two separate regulations, which require that every occurrence of corporal punishment shall be formally recorded in a book kept for the purpose, and that the punishment must not be inflicted during school hours. The magistrate thought the punishment not unreasonable, and inflicted the smallest penalty, with 2*s.* costs. Under these circumstances, I do not think there is any reason to advise that the conviction be quashed.

INDIAN RAILWAYS—PORTUGAL—THE PORT OF GOA.

MR. M. SCOTT asked the Secretary of State for India, Whether negotiations have been entered into by the Supreme Government of India and the Portuguese Government for the construction of a Railway to connect the Port of Goa with any town within the territory of British India; and, if such negotiations are completed; and, whether he will be so good as to lay the Agreement between the two Governments, and other Papers connected with the subject, upon the Table?

THE MARQUESS OF HARTINGTON: A Treaty has been concluded between Great Britain and Portugal, dated 26th December, 1878, under Article 6 of which Treaty it is agreed that whenever the Portuguese Government give notice to the British Government that a Joint-Stock Company has been formed for the construction of a Railway to connect the Port of Marmagoa to the town of New Huble, and upon Her Majesty's

Government being satisfied that the concession by Portugal to the Company is suitable, and that the capital is forthcoming, Her Majesty's Government, on the part of the Government of India, engages to grant facilities in the construction and working so much of the undertaking as lies within British Indian territory, and to use its influence with Native Chiefs in obtaining for the Company similar facilities for so much of the line as may run through their territories; especially it is provided that the Indian Government shall provide land in their territory required for the Railway. It also undertakes to continue the Railway to the town of Bellary, where it will join the system of the Madras Railway Company. Since the conclusion of the Treaty, some Correspondence has passed between the India Office and the promoters of the proposed Company, which has been forwarded to the Government of India. The Treaty between the British Government and Portugal appeared in *The London Gazette* of 4th October, 1879. Until the Correspondence with the proposed Company is completed, I should think it premature to lay it on the Table.

IRELAND—AMNESTY TO POLITICAL PRISONERS.

MR. CALLAN asked the First Lord of the Treasury, Whether, taking into consideration the generous amnesty extended to the rebel subjects taken in arms by the American Government, the large and all embracing amnesty granted to the Communist prisoners by Republican France, and the long periods of solitary imprisonment endured by those known as the Fenian prisoners in the United Kingdom, Her Majesty's Government will not now advise Her Majesty that the fitting time has at length arrived when a full and complete amnesty should be extended to all the Irish political prisoners, and that Messrs. O'Leary, O'Meara Condon, Clarke-Luby, O'Donovan Rossa, and the other Fenian prisoners, should be allowed to return to the United Kingdom and reside in their native land?

MR. GLADSTONE: My attention is called by the Question of the hon. Gentleman to three circumstances—first, the generous amnesty extended to its rebel subjects taken in arms by the American

been hitherto in force in regard to the Army and Navy. As far as I am able to ascertain, the punishment is usually inflicted, not with a "cat-o'-nine-tails," but with a light cane; certainly in all cases of juvenile offenders that is so, and even when the punishment is inflicted on adults it is of a mild description. So much in answer to the general question of the hon. and learned Member. I may say that the experiment of discontinuing the punishment was tried on several occasions, both partially and in the whole of India. From 1862 to 1864 the punishment was not inflicted. During that time complaints were made by all the Local Governments of the difficulty experienced in the interval. It has not been, therefore, continued or adopted by the Government of India without full consideration. Among the considerations which have rendered it necessary was the difficulty of inflicting any suitable punishment in a tropical climate. Imprisonment and solitary or separate confinement were to be avoided as far as possible, owing to the mortality which occurred being very high in crowded gaols, among prisoners who had been accustomed to spend almost their whole lives in the open air. It would be impossible to take any hasty or precipitate step in this matter. All I can undertake to do is to call for full Reports from the Government of India and the local Governments as to the circumstances in which the punishment is inflicted, and the necessity that now exists for maintaining it. I will further ask them for any suggestions they may have to make as to its modification or possible discontinuance.

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now the Prime Minister was about to propose a Resolution which was substantially the same as the other Question; and he had no doubt that the Speaker, with that impartiality which he always exercised, would put the Prime Minister down in the same manner. Was the Resolution proposed by the Prime Minister the same as that upon which the judgment of the House had been taken? He maintained that it was. The subject of the former Resolution was Mr. Bradlaugh. The subject of the present Resolution was that—

“Every person returned as a Member of this House, who may claim to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath.”

The Prime Minister's Resolution described a class, but a class of which Mr. Bradlaugh was a member, and of which, at the present moment, he was the only existing member. It described Mr. Bradlaugh, not by name, but by his attributes; and did the Resolution become less disorderly because he was distinguished in that way? It might be said that the Resolution applied not to one man, but to half-a-dozen other persons. Would a Resolution which in itself was disorderly become less disorderly because something was added to it? And if they could not put the Question that Mr. Bradlaugh be permitted to affirm, could they put the Question that half-a-dozen persons be permitted to affirm? Suppose the Question was that “A” should be struck off a Select Committee because he was a lawyer, and that the House rejected such a proposition, was it open to any hon. Member then to propose that all lawyers should be struck off the Committee, even though “A” was the only Member on it? He appealed to the common sense of hon. Members whether the meaning of the Rule was not that that which was substantially the same Question should not be put a second time after the judgment of the House had been expressed? Was not the Resolution of the Prime Minister substantially and really a Resolution that Mr. Bradlaugh be permitted to make an Affirmation? To rescind the Resolution of last week would be perfectly in Order; but to do what the Prime Minister now proposed to do would be to set a precedent that would be disorderly. A Reso-

lution which was disorderly did not become the less disorderly because it was decided upon in the solemn conclave of a Cabinet Council. Therefore, it would be his duty, when the Prime Minister rose to propose his Resolution, to ask the Speaker, as a question of Order, whether the Prime Minister could be permitted to put such a Resolution to the House? He thought the House would act very wisely if, instead of postponing the Orders of the Day, it were to proceed now to consider the Employers' Liability Bill.

MR. GLADSTONE: Having listened to the hon. and learned Gentleman stating an argument which I find no necessity whatever for me to answer, I would beg, Sir, to put the Question to you now whether the Resolution which I am about to propose is a Resolution conformable to the Orders of the House?

MR. SPEAKER: The hon. and learned Member for Chatham has correctly stated the Rule of the House to be that the same Question may not be twice offered in a Session. But the point which the House has to consider is this—whether the Resolution now proposed to be offered to the House is substantially the same as that on which a vote of the House was taken on the 22nd of June. On comparing the two Resolutions, I find essential differences between them. On the former occasion the House imposed a restraint upon a particular individual as to his claim to take the Oath or to make an Affirmation. On the other hand, the Resolution now proposed to be offered to the House is a measure of relief extending to every person returned as a Member of this House, who may claim to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath. In this respect the two Resolutions present marked differences. I may add, further, that the Resolution about to be offered provides that a Member shall be permitted without question to make Affirmation, and that, in doing so, he shall be subject to any liability by statute. I need scarcely remind the House that there are numerous precedents of cases in which the House has modified or partially rescinded former Resolutions. This appears to me to be such a case, and I see no good ground for interposing to prevent the Resolu-

Government. No doubt, Sir, that was a very noble act on the part of the American Government; but I must observe that it had reference entirely to a great quarrel decisively disposed of by a civil war, and not to any state of facts continuing or likely to continue in that country. My attention is also called to the amnesty granted to the Communist prisoners by Republican France. No doubt, a proposal of that kind is before the French Legislative Body; but, so far as my information goes, I believe that that proposal has not yet been accepted or become law. With respect to the Irish portion of the case, which forms the main subject of the Question, I beg that my answer may not be understood to extend beyond the terms in which it is couched. That answer is, I am sorry to say, that we do not consider the present period, with the circumstances which prevail at the present time in a portion of Ireland, as a fitting or convenient period for entertaining the subject of granting a further amnesty.

POST OFFICE SAVINGS BANKS (IRELAND).

LORD GEORGE HAMILTON asked the Postmaster General, If he can state whether the total amount deposited in Savings Banks in Ireland in 1879 has increased as compared with previous years; and, if so, the amount of that increase; and, whether there has been any increase in the amount of savings deposited in the eight counties, in the year 1879, in which distress is said to be most keenly felt, and the amount of such increase?

MR. FAWCETT: In reply to the Question of the noble Lord, I find there has been an increase in the deposits in the Post Office Savings Banks in Ireland in every year since their establishment. In the year ending the 31st of December last, the increase in the deposits in the Post Office Savings Banks was £91,500. I find that this is a larger increase than has taken place in any year since 1870, excepting the years 1871, 1876, and 1877. The latest available Return is for the quarter ending the 31st of March of the present year. The increase in the deposits in the Post Office Savings Banks has not only been maintained, but has gone on in an increasing ratio; for in this quarter the increase has been

£32,000, or at the rate of £128,000 a-year. This increase may be said to have spread itself almost over the whole of Ireland, for it occurs in every county except two—Kildare and Longford; and in these two counties the decrease has been very insignificant, amounting to only £700. With regard to the eight counties scheduled as distressed counties—Clare, Cork, Donegal, Galway, Kerry, Mayo, Roscommon, and Sligo—I find that in every one of these distressed counties there has been an increase in the deposits in the Post Office Savings Banks. This increase amounts, in the aggregate, to £24,600; but when we look to the old Savings Banks—the Trustee Savings Banks—these conclusions are considerably modified; for in these Savings Banks there has been a decrease in the last year of £86,000, which brings out the result that, taking them and the Post Office Savings Banks together, there has been throughout Ireland an increase of £5,500. In five of the distressed counties there are no Trustee Savings Banks, and in one of the three in which there are the increase in the Post Office Savings Banks deposits considerably more than counterbalances the diminution in the old Savings Banks; and, therefore, we arrive at this net result—that, taking the eight distressed counties, and taking all the Savings Banks deposits, there is an increase in six of those distressed counties and a diminution in two. But, as the Question of the noble Lord relates to the savings of the Irish people, I ought to state further, from information furnished by Dr. Neilson Hancock, that during the three years, 1877, 1878, and 1879, there has been in the general bank deposits and in the note circulation of Ireland a diminution of about £5,200,000, and in 1877 and 1878 there was a diminution in the amount invested in Government Stock of £1,400,000; but in the last year, 1879, there has been an increase of £603,000 in the amount invested in Government Stocks.

CRIMINAL LAW—CONVICT ESTABLISHMENT AT GALWAY.

MR. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any, and, if so, what, steps have been taken to carry out the promise of the late Government

Mr. Gladstone

to establish a convict establishment at Galway in place of the establishment at Spike Island?

MR. W. E. FORSTER, in reply, said, he understood the late Government did not make a distinct pledge on the subject, but only intimated that it would receive favourable consideration. When the Government came into Office they found the subject was still under consideration. As the present Government were not responsible for anything done by the late Government, they did not feel bound by the opinions of the late Government; and, besides that, it must be remembered that the subject of the question was only a part of the whole matter of prisons. All he could say was that when the question came to be considered, the claims of Galway would receive very careful attention.

THE FINANCE ACCOUNTS—ANALYZED ACCOUNTS.

MR. J. G. HUBBARD asked the Financial Secretary to the Treasury, When the Finance Accounts for the year 1879-80 will be presented; when the Analysed Account of Public Income and Expenditure for the year 1879-80 (in continuation of Parliamentary Paper, No. 376, of Session 1879), ordered by the House, will be presented; and, whether he would direct that this Analysed Statement be incorporated in the volume of Finance Accounts?

LORD FREDERICK CAVENDISH: The Treasury expect to be in a position to present the Finance Accounts in about a fortnight. The Analyzed Account to which the Question refers will be ready about the same time; and, being presented to Parliament in a separate form, there seems to be no reason for printing it over again in the Finance Accounts.

FRENCH MERCANTILE MARINE.

DR. CAMERON asked the Under Secretary of State for Foreign Affairs, If he would lay upon the Table, with as little delay as possible, a translation of the "Projet de loi sur la Marine Marchande," at present being promoted by the French Government?

SIR CHARLES W. DILKE: The Bill in question is now under discussion in the Chamber of Deputies, and alterations are frequently made in it. As soon

as it is finally passed by the Chamber it shall be laid on the Table of the House, even without waiting for its going to the Senate.

TREATY OF BERLIN—THE GREEK FRONTIER.

MR. ARTHUR ARNOLD asked the Under Secretary of State for Foreign Affairs, Whether it is true that the Plenipotentiaries now assembled in Conference have arrived at a unanimous agreement with reference to a line for the rectification of the Turko-Greek frontier?

MR. BOURKE asked, Whether the Papers relating to the Berlin Conference can now be laid before Parliament?

MR. ALDERMAN COTTON asked, Whether, as the Conference now sitting at Berlin has agreed, with reference to the Greco-Turkish frontier question in connection with the Treaty of Berlin, as to the boundary line which should be adopted by both Countries, the hon. Gentleman can state whether all the Powers are prepared to use their united influence on both Governments to bring to a successful issue their decision?

SIR CHARLES W. DILKE: In answer to the hon. Member for Salford and the hon. Member for the City of London, I have to state that the Plenipotentiaries of the Powers in Conference at Berlin have arrived at a unanimous conclusion with regard to the line of Frontier between Greece and Turkey for submission to their respective Governments. But no final decision has yet been come to by the Powers as to the steps to be taken in order to bring the conclusions of the Conference to the notice of the Turkish and Greek Governments. With regard to the Question of the right hon. Member for King's Lynn, I fear that it would be quite impossible to lay the Correspondence before the House at the present stage of the proceedings. Negotiations are still going on with regard to some subsidiary questions, and we have not yet received the full and final Reports of the Conference.

In reply to Lord JOHN MANNERS,

SIR CHARLES W. DILKE said, he would see whether the Austrian Staff Map, showing the boundaries, could not be laid on the Table of the Library.

SOUTH AFRICA—MEDALS TO IRREGULAR FORCES.

MR. WILBRAHAM EGERTON asked the Secretary of State for War, Whether medals will be issued to the irregular forces raised by the Government who have served in the Cape, Transvaal, and Zulu campaigns?

MR. CHILDERS: In reply to my hon. Friend, I may inform him that medals will be issued to such of the Colonial Forces, European or Native, as were regularly organized and disciplined as combatants, whether raised by the Colonial Government or by the General Officer commanding.

EAST INDIAN RAILWAYS—REPORT OF THE DEPARTMENTAL COMMITTEE.

MR. NORWOOD asked the Secretary of State for India, If he is now in a position to lay upon the Table of the House the Report of the Departmental Committee on East Indian Railway (Freight, &c.), to which he promised his consideration on the 24th May last?

THE MARQUESS OF HARTINGTON, in reply, said, that since a Question was put at the end of May he had, as he promised he would, communicated with the Members of the Committee, and examined the Report and the evidence on which it was founded. Much of the evidence was obtained under the promise of secrecy. The Members of the Committee were of opinion that there would be no objection to produce the Report with certain omissions, and they had obtained the assent of most of the gentlemen who gave evidence to this course being taken; yet permission had not been obtained for the production of the evidence obtained under the promise of secrecy. Much of the evidence was taken in such a manner as to render it impossible to produce it. Only a portion was taken down in shorthand, and the rest was taken in the form of notes not suitable for forming part of a Parliamentary Paper. Under these circumstances, and finding the Committee had with some freedom the system of payment of some of the Guaranteed Companies, he thought it would not be for the public advantage, but rather the reverse, to lay this Report on the Table by the evidence on which it was founded; and he regretted,

therefore, that he was unable to do so. He might, however, state that the Committee's conclusions, and the conclusions which had been generally adopted by the India Office and by the Guarantee Companies, were decidedly favourable to the system of obtaining freight, as a rule, by competitive tenders. That had been for some time the practice of the India Store Department itself; and after discussion and formulation of this system it had been decided to continue it, and to extend it to the different Guaranteed Railway Companies.

THE NATIONAL GALLERY—ADMISSION OF THE PUBLIC.

MR. COOPE asked the First Commissioner of Works, Whether he is now able to lay upon the Table of the House the Resolutions adopted by the Trustees of the National Gallery as to giving increased facility for the admission to the public; and, whether he is prepared to state what action the Government is now willing to take in the matter?

MR. ADAM: The copy of the Resolutions passed by the Trustees of the National Gallery, and their remarks explanatory of them, have been laid on the Table of the House, and will shortly be printed. The initiative in this matter rests with the Trustees, and not with the Government; but the latter will be prepared to consider any proposals that may be made to them on the subject, with the view of giving, if possible, increased facilities to the public and students.

RETURN OF EJECTMENTS (IRELAND).

SIR BALDWIN LEIGHTON asked the Chief Secretary to the Lord Lieutenant of Ireland, as regards the Returns for Ejectments in Ireland, quoted by him, Whether they related to the scheduled districts only, or to the whole of Ireland; and, whether he can state if they all relate to agricultural tenancies; what proportion were for overholding leases; and what proportion made by middlemen; also in how many cases there was more than two years' rent due?

MR. W. E. FORSTER: The Return is substantially the same as the one I quoted from, and relates to the whole of Ireland. I was mistaken in saying that all the cases related to agricultural

tenancies, for, on inquiry, I find that out of 1,060 evictions in this year 25 were in towns and cities. The Return is, however, necessarily incomplete. It does not give all the evictions that have taken place in Ireland, but only those reported to the Constabulary, and many take place without the Constabulary knowing anything of them. I cannot state what number of evictions relate to one holding; but a Return which was ordered by my Predecessor, and which I hope will be in the hands of Members in a day or two, will show the number of evictions for causes other than non-payment of rent; nor can I say what proportion were for overholding of leases or made by middlemen. With regard to the Return, I am taking, and the officials in Dublin are taking, all the steps they can to get it as soon as possible, but both the Local Government Board and the Constabulary are very hard at work; and, between keeping the people alive and keeping the peace, I am sorry to say the Returns must, to some extent, give way.

RAILWAYS (IRELAND) — SOUTHERN RAILWAY (CLONMEL & THURLES).

MR. P. J. SMYTH asked the President of the Board of Trade, If he can state whether the Southern Railway (Clonmel and Thurles) was opened to-day; or whether, notwithstanding that the certificate of the Board of Trade was granted some days ago, additional obstacles have been put in the way by some of the larger Companies concerned?

MR. CHAMBERLAIN: The Board of Trade authorized the opening of the Southern Railway for public traffic on the 25th June; but as regards the other points referred to in the Question of the hon. Member, I have received no official information. I may, however, be allowed to say that if there is any difficulty, as suggested in the Question, between the Railway Companies, the Board of Trade, having regard to the great public interests involved, would be glad, at the invitation of the Companies, to mediate between them, and see if they can bring their difficulties to a satisfactory conclusion.

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MR. COURTNEY asked the Secretary of State for the Home Department,

When the Government propose to nominate the Royal Commission appointed to inquire into the City Companies?

SIR WILLIAM HARCOURT, in reply, said, he had been some time in communication with the gentlemen whom he intended to propose as Commissioners, and those communications had necessarily taken some time. He hoped, however, before many days were over to be in a position to nominate the Commission.

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MR. TOTTENHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he will lay upon the Table of the House a Return of all agrarian crimes and outrages committed in the counties of Mayo, Sligo, and Galway, from 31st January 1880 to present date, and of the number of meetings called for the purpose of promoting the land agitation reported by the constabulary within the same counties since 30th June 1879, and of the number of cases in which resistance was offered to the police when protecting process servers, bailiffs, and others in the execution of their duty; and a Copy of the charge of the Judges of Assize to the Grand Juries of the counties of Mayo and Galway at the Spring Assizes of 1880?

MR. W. E. FORSTER: Sir, I am sorry to say that the Question of the hon. Member escaped my notice until I came down to the House to-day, but I see no reason why we should not give almost all the particulars he mentions. My only doubt is whether we can sufficiently define "a meeting called for the purpose of promoting the land agitation." With respect to other matters mentioned, I shall be glad to give the Returns to the 30th of June; and if he will communicate with me, or give me Notice of further Questions, I may be able to give him more complete information.

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MR. ASHMEAD-BARTLETT asked the First Lord of the Treasury, If Her Majesty's Government will take steps, with or without the assistance

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MR. ASHMEAD-BARTLETT asked the First Lord of the Treasury, If Her Majesty's Government will take steps, with or without the assistance

of the other Powers, to ascertain by means of a plebiscite among the inhabitants of the Provinces which, without consulting Turkey, it is proposed to transfer from the rule of the Sultan to that of the King of Greece; and, whether it is the wish of these people to be thus dealt with?

MR. GLADSTONE: With regard to the *plébiscite* proposed by the hon. Gentleman to be held in certain portions of the Turkish Empire, we have no power and no intention of taking any step of the kind. We do not think that means exist for obtaining such a result. With respect to the second part of the Question, all I can say at present is, that so far as the Representative of Her Majesty's Government was concerned, and so far as the Representatives of the other Powers assembled in Berlin were concerned, they proceeded with the most careful attention in their power, and according to the best evidence they possessed, with respect to the wishes of the people to be dealt with in the manner proposed.

CONTAGIOUS DISEASES ACTS — CONSTITUTION OF THE SELECT COMMITTEE.

SIR HARCOURT JOHNSTONE asked the Secretary of State for War, Why the Select Committee on the Contagious Diseases Acts is not yet appointed, a month having elapsed since the First Lord of the Treasury gave the assurance of its appointment?

MR. CHILDERS, in reply, said, that the Select Committee had been appointed a few days ago; but there had been a difficulty in filling up two of the vacant places in consequence of two Members who were Members of the Committee last year not having been returned to this Parliament. He would place the names of two Members on the Paper that evening.

CRIMINAL LAW—THE REV. JAMES MEREST.

SIR EARDLEY WILMOT asked the Secretary of State for the Home Department, If his attention has been drawn to a memorial addressed to the Home Office by the Rev. James Merest; and, if so, whether he will institute an inquiry into his case?

Mr. Ashmead-Bartlett

SIR WILLIAM HARCOURT: The case of the Rev. James Merest has been for many years before the Home Office, and has been decided over and over again. My Predecessors thought it a case in which they could not interfere, and I see no reason for departing from their view.

RUSSIA AND CHINA—RUMOURED HOSTILITIES.

SIR STAFFORD NORTHCOTE: I wish to put a Question to the Under Secretary of State for Foreign Affairs, as it is in reference to a matter of considerable public interest. Can the hon. Baronet give the House information as to whether there is any foundation for the report that hostilities have broken out between Russia and China?

SIR CHARLES W. DILKE, in reply, said, that a week ago a report reached this country that the Chinese had crossed the Russian Frontier and captured a fort; but that rumour was afterwards declared to be wholly unfounded. Her Majesty's Government had received no official information as to the report appearing in that morning's papers in reference to a collision between Russian and Chinese Forces; but they had received information from St. Petersburg that afternoon, to the effect that it was believed that there was no foundation for the statement.

DISTRESS (IRELAND) — ALLEGED DEATH FROM STARVATION IN ROSCOMMON.

MR. W. E. FORSTER said, that a Question had been placed on the Paper which had not been asked him. It was to ask him—

“Whether the Local Government Board will order a public inquiry into the alleged death from starvation of Mrs. Toolan, of Doon, in the Boyle Union, County Roscommon; whether it is true that only twenty-two families have received out-door relief in the Boyle Union, although it embraces seven parishes, and that in one of them, the parish of Boyle, seven hundred families are receiving relief from a local committee; and, whether a sworn investigation will be ordered into the manner in which the Boyle Board of Guardians and their relieving officers have performed their duties to the destitute poor during the existing distress, in view of charges of neglect made publicly against them?”

He had made inquiry, and had seen a letter from the husband of the poor

woman, written to the Board of Guardians, describing the report as slanderous, false, and malicious. The husband said he had plenty of provisions in his house, and that his deceased wife had had a good bed and proper nursing. With reference to other parts of the Question, he had to say that it was not true that in Boyle Union only 22 families were in receipt of out-door relief; 622 persons were in receipt of out-door relief, and about 700 persons were receiving relief from a local Committee.

MOTION.

PARLIAMENTARY AFFIRMATION.

RESOLUTION.

MR. GLADSTONE: In moving—

“That the Orders of the Day be postponed until after the Motion relating to the Parliamentary Affirmation;”

it may be convenient that I should mention that, in consequence of the state of Public Business, the necessity of getting forward with the Relief of Distress (Ireland) Bill, and at the same time the great difficulty in which we stand for appointing a very early day for it, my right hon. Friend (Mr. W. E. Forster) is obliged to ask you and the House to hold a meeting on Saturday. [“Oh, oh!”] This is only information, which has no relation whatever to the Motion, which is that the Orders of the Day be postponed.

SIR STAFFORD NORTHCOTE wished to know what would be the course of Business to-morrow?

MR. GLADSTONE: That will depend mainly upon what is done to-night. If we do not get through the Employers' Liability Bill to-night, it must be taken to-morrow.

MR. GORST said, he thought it would now be convenient if he raised the point of Order of which he had given Notice. He believed that the Resolution of the Prime Minister relating to the question of Parliamentary Affirmation was disorderly, and of a kind that the Speaker ought to refuse to put from the Chair. The course adopted throughout the Bradlaugh incident by the right hon. Baronet the Member for North Devon (Sir Stafford Northcote) had been to resist any attempt made by the Government to induce the House to break the law for

the purpose of smuggling Mr. Bradlaugh into the House. He had done his best to second the laudable efforts of the right hon. Baronet; and he now rose to prevent a new precedent being established that would be dangerous to the Order of the House. The Rule of the House was perfectly simple and clear—the Rule not only of this House, but also of the other House of Parliament—and it was that, if a Question had been considered by the House, and a definite judgment had been pronounced upon it, that substantially the same Question could not be put to the House during the current Session. [MR. GLADSTONE: Hear, hear!] He was pleased that the Prime Minister should think proper to cheer that statement, as it was what he did not expect. He was quite aware the burden of proving that the Resolution of the Prime Minister was a breach of that Rule rested upon him, and he should proceed in due course to do that; but first let him call the attention of the House to what were said to be the exceptions to that Rule. Now, there were no real exceptions to the Rule at all; and if the Prime Minister's Resolution were put, it would be the first exception that had occurred. There was an interesting case mentioned in Sir Erskine May's book on Parliamentary Usage, which occurred in 1844, when the same subject was considered by the House. It was a case of a letter sent from Italy to Mr. Thomas Duncombe, having been opened under a Warrant by Sir James Graham. A Motion was put respecting the matter, and then an Amendment was put that a Committee should be appointed to consider the particular case of Mr. Duncombe's letter. Both the Motion and the Amendment were withdrawn; and if that had not been so, the House would not have been able to pronounce a judgment on the second Resolution, which was afterwards moved by Mr. Duncombe, that a Select Committee should be appointed for the purpose of inquiring into the particular case of his letter. That was in Order, because the first Motion had been withdrawn. A third Resolution, moved by Mr. Duncombe, was that the House should express its regret that a Secretary of State had opened letters. Of course, that was an entirely different question; and the fourth Resolution was a Motion for an Address to the Crown, praying for a copy of the Warrant authorizing a

Secretary of State to open letters to be laid on the Table. A fifth Resolution was to bring in a Bill to secure the inviolability of letters passed through the Post Office. Therefore, although it was five times before the House, no Motion on which the House had expressed a judgment was ever before the House. He would now call attention to two recent precedents. The first was in the year 1870, when Mr. R. Torrens moved—

“That, in order to arrest the increase of Pauperism, and to relieve the distressed condition of the working classes, it is expedient that measures be adopted for facilitating the Emigration of poor families to British Colonies.”

On the 17th of May in the same year, Mr. W. M. Torrens moved—

“That an humble Address be presented to Her Majesty, praying that She may direct measures to be taken to provide passages to the Colonies for intending Emigrants, who shall be approved by competent authority, at cheap and uniform rates of charge.”

The Speaker called the attention of the House to that second Resolution, and told the House—

“There is a Rule that no Question may be proposed which is the same in substance as has been resolved in the affirmative or negative in the same Session.”

Therefore, the proposal for facilitating the emigration of poor families could not be put. Another precedent was set in the last Parliament, when a Resolution was passed by the House with regard to an appointment in the Stationary Office. On the 16th of July, 1877, the House resolved—

“That, having regard to the recommendations made in 1874 by the Select Committee on Public Departments (Purchases, &c.), this House is of opinion that the recent appointment of Controller of Her Majesty's Stationery Office is calculated to diminish the usefulness and influence of Select Committees of this House, and to discourage the interest and zeal of officials employed in the Public Departments of the State.”

On the 23rd of July, 1877, that Resolution was read at the Table of the House, and thereupon a Motion was made to rescind it. It was then resolved—

“That this House, while most anxious to maintain the usefulness and influence of its Select Committees, and to encourage the interest and zeal of officials employed in the Public Departments of the State, after hearing the further explanation concerning the recent appointment of the Controller of Her Majesty's Stationery Office, withdraws the censure conveyed in the said Resolution.”

Mr. Gorst

But the same Question was not on that occasion put in the same manner as it was proposed to put the Question to the House to-day. The Prime Minister would be following the precedent set last Session if he were to have the Resolution passed last week read at the Table, and if he were then to propose that, as he had been informed Mr. Bradlaugh had since become a member of the Society of Friends, it was desirable to rescind the Resolution. But let him call the attention of the House to what it was the House discussed. The question that was considered last week was whether Mr. Bradlaugh, who had been returned as a Member of the House, and who claimed for the time being to make a solemn affirmation, should be permitted to make and subscribe either a declaration or an oath under the Parliamentary Oaths Act. There were, in fact, two questions considered by the House—Should Mr. Bradlaugh be permitted to make an Affirmation; or should he, under the circumstances that were mentioned, be permitted to make an Oath? The House expressed on those two questions a definite and final judgment. What that judgment was was not at all germane to his present argument; but what he contended for was, that the House having expressed a definite and final judgment, it therefore became disorderly for any Member of the House, whether the Prime Minister or a private Member, to propose to the House, during the current Session, a Resolution the same, or substantially the same, as the one the House had pronounced judgment upon. They had had an example of the Rule recently. The hon. Member for Northampton (Mr. Labouchere) endeavoured to propose to the House a Motion that was the same as one that had been decided upon. Mr. Labouchere gave Notice on the 22nd of June that he should ask the Speaker whether he should be in Order in moving that Mr. Bradlaugh now be allowed to make an Affirmation, and the Speaker replied that—

“Such a Motion would be in direct opposition to the vote of the House last night, and would therefore be out of Order, because it is substantially the same Motion which the House has already pronounced judgment upon.”

The hon. Member for Northampton (Mr. Labouchere) was thus put down, and

now the Prime Minister was about to propose a Resolution which was substantially the same as the other Question; and he had no doubt that the Speaker, with that impartiality which he always exercised, would put the Prime Minister down in the same manner. Was the Resolution proposed by the Prime Minister the same as that upon which the judgment of the House had been taken? He maintained that it was. The subject of the former Resolution was Mr. Bradlaugh. The subject of the present Resolution was that—

“Every person returned as a Member of this House, who may claim to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath.”

The Prime Minister's Resolution described a class, but a class of which Mr. Bradlaugh was a member, and of which, at the present moment, he was the only existing member. It described Mr. Bradlaugh, not by name, but by his attributes; and did the Resolution become less disorderly because he was distinguished in that way? It might be said that the Resolution applied not to one man, but to half-a-dozen other persons. Would a Resolution which in itself was disorderly become less disorderly because something was added to it? And if they could not put the Question that Mr. Bradlaugh be permitted to affirm, could they put the Question that half-a-dozen persons be permitted to affirm? Suppose the Question was that “A” should be struck off a Select Committee because he was a lawyer, and that the House rejected such a proposition, was it open to any hon. Member then to propose that all lawyers should be struck off the Committee, even though “A” was the only Member on it? He appealed to the common sense of hon. Members whether the meaning of the Rule was not that that which was substantially the same Question should not be put a second time after the judgment of the House had been expressed? Was not the Resolution of the Prime Minister substantially and really a Resolution that Mr. Bradlaugh be permitted to make an Affirmation? To rescind the Resolution of last week would be perfectly in Order; but to do what the Prime Minister now proposed to do would be to set a precedent that would be disorderly. A Reso-

lution which was disorderly did not become the less disorderly because it was decided upon in the solemn conclave of a Cabinet Council. Therefore, it would be his duty, when the Prime Minister rose to propose his Resolution, to ask the Speaker, as a question of Order, whether the Prime Minister could be permitted to put such a Resolution to the House? He thought the House would act very wisely if, instead of postponing the Orders of the Day, it were to proceed now to consider the Employers' Liability Bill.

MR. GLADSTONE: Having listened to the hon. and learned Gentleman stating an argument which I find no necessity whatever for me to answer, I would beg, Sir, to put the Question to you now whether the Resolution which I am about to propose is a Resolution conformable to the Orders of the House?

MR. SPEAKER: The hon. and learned Member for Chatham has correctly stated the Rule of the House to be that the same Question may not be twice offered in a Session. But the point which the House has to consider is this—whether the Resolution now proposed to be offered to the House is substantially the same as that on which a vote of the House was taken on the 22nd of June. On comparing the two Resolutions, I find essential differences between them. On the former occasion the House imposed a restraint upon a particular individual as to his claim to take the Oath or to make an Affirmation. On the other hand, the Resolution now proposed to be offered to the House is a measure of relief extending to every person returned as a Member of this House, who may claim to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath. In this respect the two Resolutions present marked differences. I may add, further, that the Resolution about to be offered provides that a Member shall be permitted without question to make Affirmation, and that, in doing so, he shall be subject to any liability by statute. I need scarcely remind the House that there are numerous precedents of cases in which the House has modified or partially rescinded former Resolutions. This appears to me to be such a case, and I see no good ground for interposing to prevent the Resolu-

tion now proposed to be offered to the House.

Motion agreed to.

Ordered, That the Orders of the Day be postponed until after the Motion relating to the Parliamentary Affirmation. —(Mr. Gladstone.)

MR. GLADSTONE: If I did not reply to the speech of the hon. and learned Gentleman opposite it was from no want of general respect for him, but because I felt that, considering the vehemence and strength of the language he thought himself entitled to use, and considering the extraordinary charges he thought himself warranted in making, and the peremptory manner in which, while professing to appeal to the Chair, he declared on his own authority what was Order and what was not, I felt that, under these circumstances, it would be inexpedient to enter upon a discussion so wide, because it would tend to introduce heat into this debate. There is one thing upon which I feel convinced that we are all agreed, and there is another upon which I hope we may, to a great extent, be agreed. That on which I hope we are all agreed is that there will be no advantage to the dignity of this House in a renewal of lengthened and heated discussion on this occasion. Contenting myself with that brief and simple appeal, I shall endeavour to act in the spirit of the sentiments I have uttered, and avoid every word that can give offence; and not only so, but entirely to refrain entering into the general argument which, as I think, has been completely exhausted. My duty will be to describe the particular situation of the House, to enumerate the facts of the case, and to explain the duty that we think is incumbent on the Government in this matter. We are all agreed on the primary and paramount duty of maintaining the dignity of the House; and the dignity of the House, as it may be considered in many points of view, may also be regarded from one that is fundamental and anterior to all others—that, namely, which concerns the police of the House and the maintenance of the exterior decency of our proceedings. Sir, it is a sense of the stringency of that obligation which has induced my Colleagues to take this matter into their consideration, and which now induces

Mr. Speaker

me to submit a proposal to the House, notwithstanding the fact that we were not the majority that brought about this position of affairs, and that we might on every general principle anticipate that that majority would be prepared to deal with that position of affairs which it created. Let us see whether that has been so. I do not question for a moment anything that has been said by my right hon. Friend the Leader of the Opposition, or by anyone else, as to the perfect sincerity with which he has declared his views on the decency of certain proceedings. We are agreed that the dignity of the House must be maintained in respect to the decency of its proceedings; but how has that been done for the last four days? As I believe, entirely by the knowledge on the part of a particular individual that the Motion which I am now about to submit to the House was a Motion about to be made. But for that knowledge, I believe I am correct in saying—though I do not possess, and have not sought to possess, any private channels or means of information—that we should have been subjected to the pain and grief of witnessing a repetition of the unbecoming scene which occurred in this House a short time back. Now, let us consider how it is that this duty comes into the hands of the Government, devolving upon it—I may say deputed to it—by those who constituted the recent majority. The majority of the House adopted the Resolution that Mr. Bradlaugh be neither permitted to affirm nor to take the Oath. Mr. Bradlaugh declined obedience to the Resolution; he appeared in the House; he committed an undeniable offence against the Order of the House, and declared his intention to repeat that offence again and again until he had effected his entry into the House of Commons. Upon that, he was committed without opposition—at any rate, almost with the general, if not unanimous, assent of the House—to the custody of the Serjeant at Arms. He remained in that custody a little more than 24 hours; and then the Leader of the Opposition rose in his place, and moved that he be released—that he be released, not upon apology, reparation, or promise not to repeat his offence, but with the full knowledge and clear recollection of his own announcement that that offence would be repeated from time to time,

until the object with which it was committed was gained. My right hon. Friend, in making that Motion, said he felt he had vindicated the dignity of the House. It is my absolute duty to accept, however difficult it may be, that assertion of my right hon. Friend, and I do accept it; but I must say I believe he is one of a very few who would consider that to commit Mr. Bradlaugh and release him after 24 hours, and in the face of his announcement that his offence would be repeated *toties quoties* until his object was gained—I think there are very few who would feel that thereby the dignity of the House was maintained. If I had felt that it was, I should gladly have abstained from troubling the House of Commons now; but what I felt, and what my Colleagues felt, was, on the contrary, that we were subject from day to day to a certain and obvious violation of the dignity and decency of our proceedings, and that it was necessary for us—the majority of the Leaders of the Opposition having apparently considered it their duty to withdraw—to make a proposal to the House. Let me first say that I do not see any means of supporting our dignity or of upholding the Order of our proceedings by a repetition of what was done last week. Were Mr. Bradlaugh to repeat the act which led to his committal, I presume someone would move for a repetition of the committal. How long would the committal last? And would anything be gained to anyone if again the Motion were to be made, after another period of 24 hours, to release Mr. Bradlaugh? I can see no way of deliverance from the difficulty in which we are placed by this method of committal one day and release without apology or amendment on the next. Then it is said by some that the remedy ought to be sought by the method of legislation. I do not presume to restrain any Members of the House in that respect. If they can see their way to make a proposal, as many of the most important subjects relating to the Law of Parliament have been repeatedly dealt with by private Members, far be it from us to shut off from any Members the opportunity of moving or rendering a service to the House. We do not see that any advantage can possibly arise from our attempting anything of this kind; and on these three grounds, each of which I think to be conclusive,

it seems to us that whenever a question of the alteration of the Parliamentary Oaths Act is raised, it is desirable that it should be discussed in cold blood. Discussed in cold blood it cannot be, if it be known, if it be notorious, that the immediate purpose for which that legislation is proposed is the admission of Mr. Bradlaugh. In the second place, we must bear in mind the lessons that have been taught by recent facts. We must recollect that, while legal and quasi-legal arguments have been offered by some Gentlemen on that side of the House in support of the recent Resolution, there have been a far larger number of speeches which have had no reference to those arguments at all, but which have bluntly and plainly expressed the sentiments of the Petitions presented before I rose, that we should not allow an Atheist to sit in the House of Commons. We know perfectly well that the legislation proposed by us on such a subject must necessarily raise, I will not say intemperate, but I will say lengthened discussions; because a principle of that kind, taking root in the minds and hearts of men, appears to them both to justify and to require their compelling the Parliament, by what they think is a legitimate use of their privileges, to enter largely into matters of such depth and importance. We, therefore, feel that for us to make such a proposal with our eyes open would be to impede, in such a degree as to be equivalent to sacrificing, a great deal of the important Public Business we have brought under the consideration of the House. But, lastly, we should fail in that which is the main object in inducing us to move, because we have no reason to believe—and I do not believe—during those lengthened debates, with all the feeling they would excite, with all the uncertainty as to the ultimate fate of the measure, here or “elsewhere,” that the dignity of this House, and the decency of our proceedings would be maintained. We believe that we should forfeit, at all events, the primary object we have in view—namely, the avoiding a repetition of the painful scenes we have already witnessed. That being so, we have considered whether there was any other course which we might adopt. Now, there was a point in the speeches of hon. Gentlemen where it appeared we were, to some extent, in contact.

of the Opposition. From the moment that Mr. Bradlaugh was returned it was foreseen that the difficulty would arise, and it was a great pity that the Liberal Party gave the countenance they did to his candidature. He had received the open patronage of the Leaders of that Party, and a noted Nonconformist telegraphed to the electors of Northampton to elect him rather than allow a Tory to get in. When he presented himself and claimed to affirm, the Government knew perfectly well that he did not come within the category of persons entitled by law to make an Affirmation; and if it had not been for the Party bias which they and their supporters imported into the matter the House would never have been placed in its present difficulty. It had been said that Members on the Opposition side ought to produce some legislation for the purpose of enabling Mr. Bradlaugh to take his seat. He submitted, however, that this was not the duty of the Opposition. He maintained that it was not possible for the House to do anything to enable Mr. Bradlaugh to take his seat except by legislation. The relief which the law allowed, to make an Affirmation, was confined to persons who held some religious belief; and, although there were persons sitting in the House whose views involved the negation of religious belief, this was the first time that an avowed Atheist had ever come into the House himself, thrusting his objectionable opinions under the notice of the House. It was well known that Mr. Bradlaugh had declared in a Court of Law that an oath would not be binding on his conscience; but because a learned Judge allowed him to affirm in the interests of justice, that was no reason why Parliament should permit him to take the same course. If Mr. Bradlaugh had ground of complaint against anyone it was against Her Majesty's Government for not adopting the manly and straightforward way of meeting his claims by legislation, instead of trying to get him into the House by a back way. The Resolution of the Government not only rescinded that at which the House had already arrived, but it authorized an illegal act, or one of very doubtful legality, to be done by Mr. Bradlaugh, and repeated by anyone else holding his views in future. This was the only instance on record in which

an attempt had been made to make a Standing Order which would allow an act of doubtful legality to be done. He had no sympathy with Mr. Bradlaugh; but he thought the Government had treated him with gross injustice from beginning to end of this matter. If the Resolution were passed he would still be liable to an action at law; and it was but the beginning of a long controversy, which he (Lord Henry Scott) would prefer to see dealt with in an honest and straightforward manner, and not by the course proposed by the Government.

MR. P. J. SMYTH: Sir, as I had not an opportunity of speaking on the former occasion, I hope the House will extend its indulgence to me a short time. Now, it seems to me that neither the Resolution nor the Amendment, nor both together, raise the true issue. It is impossible to dissociate the personality of Mr. Bradlaugh from the question before the House. The Motion has special reference to him and to others, if, unhappily, such there be, who share, or fancy they share, his views. If this were a question of civil and religious liberty, I would say—"Amend the Forms of Parliament for the accommodation of Mr. Bradlaugh, and throw wide your doors for the admission of him and others." Civil liberty I take to mean that all men in this country are equal in the eye of the law; and by religious liberty I understand the right of every man to worship God according to his conscience. No one proposes to deprive Mr. Bradlaugh of any civil or religious right; but Parliament, having been broadly challenged, is bound to defend against him and others the principle of its own existence. No new test is sought to be imposed. The test of Theism has existed always. It is implied in every act and in every form of Parliament. It pervades the whole body of the Constitution, of which, like the soul in man, it is the animating principle. Is the prayer with which Parliament opens each day its proceedings an empty formula; or is it not an humble action of acknowledgment of its absolute dependence on an All-wise Providence? Does the phrase quoted in the Preamble of every Act, "the Lords spiritual and temporal," signify only the union between Church and State, and not the higher and better union between religion

Lord Henry Scott

"It would not have been competent for any Member to go back upon Mr. Bradlaugh's election speeches; but the matter stands differently now that Mr. Bradlaugh has claimed to be exempt from the Oath, on the ground that he was a person on whom it was not binding."

That claim was not made spontaneously by Mr. Bradlaugh. Mr. Bradlaugh's words, as you will find on reference to the evidence of Sir Erskine May, were words which in no way indicated his Atheism, but which left the question perfectly unsolved whether he was claiming under the statutes relating to judicial Affirmation, or under the laws which relate to Affirmations taken at this Table. Another hon. and learned Gentleman, the Mover of the Amendment (Sir Hardinge Giffard), said—

"It was impossible not to see that Mr. Bradlaugh's views had been thrust upon the House, and that important distinction must be obvious to everyone."

I think I shall carry with me universal assent when I say that a man thrusts nothing upon the House but that which he himself spontaneously asserts at this Table, provided what he asserts is in the terms of the Act of Parliament, and neither falls short of it nor goes beyond it. That is an assertion I make on the credit of the very highest authority with reference to what was said by Mr. Bradlaugh—an assertion which cannot, I believe, be in the slightest degree impeached or impugned. If that be so, I ask is there any Gentleman in this House, on whatever side he may sit, or whatever opinions he may entertain, who will think that there ought to be visited upon Mr. Bradlaugh, as if it had been his own spontaneous act, inferences drawn from matter which he did not tender, which, so far as it depended upon him, he would have kept back, but which was drawn from him by questions put by the Officers at the Table? I believe, therefore, many Gentlemen have given their vote under a misapprehension as to the facts of the case, as to the obstruction by Mr. Bradlaugh of the opinions which have given so much offence, and as to the effect of those opinions on the duty and obligations of the House. Now, these are the grounds on which we think that a Motion of this kind should be made—a Motion which I trust will settle this painful controversy; but a Motion which I think has a yet greater merit—an effectual preventive force for

the future. It was no mere technical distinction, Sir, which was observed by you in the Chair, that this Motion is made so as to save us from, I hope, a remote risk of the recurrence of scenes and circumstances so painful and difficult that even the Leaders who bring them about are unable to deal with them, but find themselves, in the fulfilment of their duties, obliged to throw the responsibility of finding a remedy upon those who offered resistance to them. The foundation on which this Resolution rests is this. It is not well that any person duly elected, and tendering himself in the terms of the Act of Parliament at this Table to swear or affirm, should be precluded from taking his place in this House—subject to the liabilities incumbent on him by statute—through any question put to him on behalf of the House. That, Sir, is the simple issue which I present to the mind of the House, and I detach it altogether from the specialities of Mr. Bradlaugh's opinions. There might have been other opinions which might have been elicited by questions from persons in other circumstances. I care not what the opinions were; we stand upon this point—that where the law has laid down a rule, where the constituency have exercised their privilege, where their proceedings are unimpeachable in form and substance, and where the man whom they have chosen neither says nor does anything in this House of his own accord, spontaneously, deviating either to the right or left from the line pointed out by the Act of Parliament—we say that it is not well for the general interests of the country, it is not well for the interests or character of this House, that such a person, whatever his opinions, on presenting himself should be stopped on his road to his seat by the act of any person proceeding to question him on the part of the House. It is well that he should be left to be tried by the tribunals of his country, which have full means for conducting his trial, and which will acquit or condemn him according to law.

Motion made, and Question proposed,

"That every person returned as a Member of this House, who may claim to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, shall henceforth (notwithstanding so much of the Resolution adopted by this House on the 22nd of June last as relates

to Affirmation) be permitted, without question, to make and subscribe a solemn Affirmation in the form prescribed by the 'Parliamentary Oaths Act, 1866,' as altered by 'The Promissory Oaths Act, 1868,' subject to any liability by statute."—(*Mr. Gladstone.*)

SIR STAFFORD NORTHCOTE, in rising to move the following Amendment:—

"That this House cannot adopt a Resolution which virtually rescinds the Resolution passed by it on the 22nd day of June last,"

said: Mr. Speaker, I most entirely concur with the Prime Minister in the observations with which he opened his speech; and I trust the great body of the House also concur with him in desiring that we should debate this question in a calm and uncontroversial spirit, as far as that is possible, and that we should abstain from re-opening many of the questions which we discussed on the previous occasion. It will be my endeavour, in the few remarks I shall offer to the House, to present them in that spirit, and to observe the cautions given us by the Prime Minister. But, at the same time, while I admit that my right hon. Friend's speech was characterized by a good deal of moderation in many respects, I could not but notice that throughout his remarks—and very pointedly in some parts of them—he did, in measured but, at the same time, very significant language, endeavour to cast on Members who sit on this side of the House—on those of us who have already taken part in these debates, and on those whom he was pleased to describe as "the majority"—a responsibility which, on their part and on my own, I beg respectfully to disclaim; and I shall find it necessary to dispute at least one of the propositions on which he rested his case. He made an observation, in which he said that those whom he described as "the majority" had thrown on the Government the responsibility of dealing with the situation they had created; and if you were to judge of what has taken place from the description which the Prime Minister gives of it, you would think that from the beginning the matter had been taken up and dealt with by those whom he describes by that convenient term "the majority," and that the Government had had nothing to do with the matter until after the majority had completed its work after its own clumsy fashion, and had found itself too weak and

too incompetent to deal with the result—and that that majority had thrown over upon the Government the task and the duty of preserving the Order of the House; and, founded upon that representation of the facts—which I contend to be an entire misrepresentation—the Prime Minister has offered to the House an argument for taking a step which I shall endeavour presently to show is a very serious and a very questionable step, on the ground that it is the only one the Government can see adequate to preserve the peace, and maintain what he calls the police of the House. Now, I very seriously doubt the wisdom of relying on such an argument as that. I hope the House will take into consideration what is the effect and meaning of an argument addressed to us in such a form as we have already heard, warning us that unless a certain course is pursued by the House we must expect a renewal of scenes derogatory to the character and dignity of the House. The speech of my right hon. Friend rested far too much on that foundation; and I, for my part, though not indisposed to attach a certain amount of weight to a fair consideration of Order, entirely disclaim that as a ground for a step which would in itself be inconvenient and improper. Let me for one moment ask how far the statement is correct, that this is a matter in which the Government were not concerned until the time when what the right hon. Gentleman is pleased to call the majority threw it upon them? What is the history of the case? It is said that there was no obstruction by Mr. Bradlaugh of the circumstances under which he claimed to affirm before the House until he was questioned. I will not enter into that matter. I will remind hon. Gentlemen that Mr. Bradlaugh had given Notice even before he made his appearance at that Table—he had given Notice to you, Mr. Speaker, as the chief authority of the House—that he intended to take the step, and he came forward with the cognizance certainly of the Government that he intended to take the step. I presume it will not be denied by the Government that they were aware, before he presented himself, that it was his intention to claim the right to affirm; and they were also aware that you, Mr. Speaker, had great doubts whether he should be allowed to affirm.

formists in particular, in respect to complicity on their part with this most atrocious case. As an individual unit of that great Party, which represents—as I believe—the immemorial spirit of the English people, and as the Representative of a constituency (East Cornwall) largely Nonconformist in that part of this country which John Wesley specially made his own, I wish, standing here in my place, in such poor words as I am capable of, most indignantly to rebut and to repudiate that charge. It is framed in the same mould as one which we had to deal with during the recent Election, and which, appearing in a letter, which, from the prominence of its author and the prominence of its recipient, was dignified by the name of a Manifesto, imputed disloyalty by implication to the Liberal Party. Both alike were based on individual instances devoid of truth; the first recoiled on those who made it, and the second will do the same. But, since that insinuation has been made, it must be answered; and for this object I have in my mind the words of that chivalrous and far-seeing man, M. de Tocqueville—

“The experience of all ages has shown that the most living root of religious belief has ever been planted in the heart of the people.”

Now, in the first place, whatever some philosophers may say, even if there were a dozen Mr. Bradlaughs in this House, the fact would remain that, in so far as the community is concerned, this nation is still not only a religious but a Christian nation. There is inherent within it a religious expression, which alternately guides and controls, and is guided and controlled by the civil power; and, in the second place, Liberalism, if I know anything of it, is the expression of the voice of the people's heart. In the practical politics of the Party, therefore, religion still lives, and moves, and has its being. It is unnecessary for me to make any defence for Nonconformists. The Wesleyans have sent, as a protest to this House, one of the most solemn documents ever laid before it,—on the matter of the Oath. The fact, then, really amounts to this—that all this while Liberals and Nonconformists have been seeing what, I am sorry to say, some hon. Gentlemen on this side of the House as well as on that have been blind to—namely, that the maintenance of a

man's rights has nothing on earth to do with complicity with his views. In conclusion, I will say that fortunate, most fortunate, do I hold it to be that the Leader of this House in such a crisis as this is the right hon. Gentleman whom his Queen and country alike have called to occupy that exalted post. In him all alike can place reliance when the cause of religion is at stake. Not unwilling will he be that I should recall to this House, to his Party, but to the new Members most of all, words which, in 1872, he used in an address to students at Liverpool—

“In preparing yourselves for the combat of life I beg you to take this also into your account, that the spirit of denial is abroad, and that it has challenged all religion, but especially the religion we profess, to the combat of life and death.”

Having regard to those words, and to many others of like import which have fallen from the lips of the right hon. Gentleman, I am prepared faithfully and trustfully to follow him into the Lobby to which this Resolution will lead, believing that—where religion is in question—if I may use the old simile of the ship of the State, no counter seas will make his hand to waver on the wheel, no passing clouds divert his vision from the lode-star of our ancient faith.

MR. NORTHCOTE approached the question from a very young Member's point of view, and not from considerations ultra-legal or ultra-ecclesiastical. He was one of three Conservative Members who supported the original proposition of the Government that the case should be referred to a Select Committee. He wished to say a few words about the allegations that the Conservative Party nourished some personal animosity against Mr. Bradlaugh, and that they were actuated in their conduct by a desire to obtain an electioneering advantage. As for the charge of personal animosity, he could assure the House that he entertained no animosity towards Mr. Bradlaugh. With regard to the second allegation to which he had referred, he would remind the House that it was not the Conservative Party who initiated the proceedings against Mr. Bradlaugh. The person who originally expressed a doubt as to whether Mr. Bradlaugh could or could not affirm was the Speaker himself, and upon such doubt being expressed, Her Majesty's Govern-

as to whether anything more was to be done, I am not surprised that the Prime Minister put it to those who voted in the majority the night before—"Is there anything you have to propose?" I took upon myself the office of spokesman, not as speaking for all the Gentlemen who had voted in the majority the night before, but feeling it my duty as one in a position of some responsibility in this House. I took it upon myself, first of all, to say that we thought the decision of the House was clear, and we did not wish to add to it. The consequence was that Mr. Bradlaugh, as was necessarily the case, was called upon to withdraw. He declined; he refused—I will not say disrespectfully, but in a firm manner—to obey the Orders of the House; and it did seem to me that at that point the duty of preserving the order and dignity of the House ought to have reverted to the Prime Minister. I did not take upon myself voluntarily the duty of making any proposal. I made the proposal I did because the Prime Minister abstained, and abstained most distinctly and markedly, from making it; and it was impossible that you, Sir, could be left unsupported. It was clearly the duty of someone to take that step; I took that step, feeling it to be my duty, as I still believe it was. I was obliged, in support of your authority, and of the authority and dignity of the House, to make that Motion, which I made with great pain and reluctance, that Mr. Bradlaugh should be committed to the custody of the Serjeant at Arms. I made it in order to show that the House was prepared to support to the extreme its own right and its own authority, and to vindicate its Orders. Mr. Bradlaugh claimed to have a legal right to do what he was prevented doing. He asserted that the House was taking a step beyond its legal powers; he resisted to the last. I do not blame him; I think he was quite right in bringing the matter to that issue. It was so brought; a distinct claim was put forward on the one hand, and there was a distinct assertion of authority on the other. At that point I considered my functions terminated; and I thought it right the following day to put a Question to the Prime Minister, and to ask whether the Government intended to do anything in the matter? Well, they said they did not. Or, rather,

Sir Stafford Northcote

the right hon. Gentleman said he had not yet consulted his Colleagues, which struck me as a rather remarkable statement. Considering the very great importance of the crisis, I should have thought he would have taken, at all events, the trouble to consult his Colleagues as to what he ought to do. That being so, I considered my functions in the matter were now terminated, and I moved the discharge of Mr. Bradlaugh, as I should do again in the circumstances. What was the language of the Prime Minister on that occasion? The Prime Minister said he thought the matter had been fairly brought to an issue—that Mr. Bradlaugh had fairly raised his claim by refusing to withdraw, when he considered himself illegally ordered, until he was arrested; and the House had fairly asserted its claim by the step taken in committing him. Then, said the right hon. Gentleman, the question takes a new form—or a new issue is raised.

MR. GLADSTONE: The new issue raised was the question of declining to obey the Order of the Chair.

SIR STAFFORD NORTHCOTE: I have not the words before me. At any rate, at that point the question had entered upon a new phase; and it was now a question of what Mr. Bradlaugh would do, and how the House would deal with him. I did not mean to have gone into all this question of the police argument. I hoped it might be unnecessary; but it has been forced upon me by the course which has been taken by the right hon. Gentleman. Mr. Bradlaugh made a claim, believing he had a right; the House believed it had the right to prevent him doing what he claimed to do. The matter was brought to a final issue, and Mr. Bradlaugh put it to the House in such a way as to ascertain that the House was serious. There the incident closed. And now, what is his position? Does he still advance his claim? I suppose he does. How does he mean to enforce it? Are we to assume against any man until we have evidence which shows by his own acts that he intends to enforce a claim of law which has been fully raised and fully disputed, by anything in the nature of intimidation or violence? We should be doing injustice to Mr. Bradlaugh to suppose so. Yet this is the argument on which the right hon. Gentleman bases this Resolution. He says

the great argument for dealing with this question is that it is necessary to preserve the order of the House, and we shall not preserve the order of the House if we have violence and unauthorized interruption. Mr. Bradlaugh had the right to be here up to and at the moment at which he was ordered to withdraw; the making him withdraw was the one step which had then to be taken, but if Mr. Bradlaugh enters the House again it will become a very different question. We were told that the scene of the other day would be repeated again and again. I do not know whether that is a correct statement. Is such a thing possible? The order that has been given is, I conceive, a binding order—a continuing order. I imagine, Sir, you do not require—would not require—a further order to be made to Mr. Bradlaugh to withdraw. I imagine you would consider yourself entitled to give such police instructions to the officers of the House as would prevent his interfering again. I must not anticipate these matters; I only wish to enter my protest against an argument which seems to me a most dangerous argument. Why, Sir, what did my right hon. Friend say as to the possibility of an amendment of the law? He said that an amendment of the Parliamentary Oaths Act ought to be undertaken coolly and deliberately, and that it cannot be so if upon the decision of that great question hangs the decision whether Mr. Bradlaugh is or is not to be admitted. Are we, then, to suppose that we can settle a question of this sort, which will have an important permanent effect upon the character and proceedings of this House, in a spirit of calmness and coolness, under the menace that if we do not deal with this question in a particular way, Mr. Bradlaugh will take steps which will put us in the position in which we shall have to maintain order by again committing him to custody, probably without the active assistance of the Government? Now, Sir, I have said as much as I think I need say, and, indeed, I apologise to the House for having said so much on that part of the question; but it seemed to me necessary. I wish now to address myself to the point raised in the Amendment of which I have given Notice, to the effect that the House cannot adopt a Resolution which virtually rescinds the Resolution passed by it on

the 22nd of June last. I need not say that I entirely agree with you, Sir, in the judgment you have pronounced just now with regard to the technical question which was raised by the hon. and learned Member (Mr. Gorst). But whatever may be the technical position, the argument of my hon. and learned Friend seemed to be conclusive as far as it referred to the virtual rescinding of a Resolution passed by the House. I ask, is this not a proposal to virtually rescind a Resolution duly passed? The Resolution was one in two parts, relating both to the Affirmation and the Oath. How came that Resolution to be passed? It was not an original Resolution; it was an Amendment upon another Resolution moved by the sitting Member for Northampton, to the effect that Mr. Bradlaugh be allowed to affirm. That was distinctly negatived; and the division that was taken was not on the Amendment of my hon. and learned Friend the Member for Launceston (Sir Hardinge Giffard), but on the original Resolution. But this Resolution, if passed, will exactly do the very thing which the hon. Member for Northampton asked us to do last week, and which the House refused to do. It is quite true that it is apparently covered by the general terms of the Resolution; but I think if the House will look at the matter for one moment, they will see that the terms of the Resolution are such that they confine its operation to Mr. Bradlaugh. It proposes that every person returned as a Member to this House who may claim to be a person for the time being entitled to affirm may affirm without question asked. What is meant by "every person?" I will take my own case. Suppose I came into the House and went up to the Table after this Resolution had passed, and claimed to be allowed by law to make a solemn Affirmation instead of an Oath. I am not to be asked any questions, as I understand; but am to be allowed to make an Affirmation, "subject to any liability by statute." Now, what is the meaning of that? That if, after making the Affirmation, anybody proceeds against me for penalties, I shall say—"I claimed that I had a right to do so." "How do you prove your claim?" I should be asked in a Court of Law. "Are you a Quaker or a Moravian?" "No." "Have you any doubt as to the validity of the Oath?" "No."

"On what do you rest your claim?"

"Well, I do not know. I have nothing to rest it on;" and thus I should subject myself to severe penalties. I want to know, am I correct? Will that be the operation of the Resolution? [Mr. GLADSTONE: Not at all.] Then, will the right hon. Gentleman tell me where I am in error? If I do claim, am I never to be challenged afterwards? It seems to me that there is no meaning in the Resolution, unless it be that the taking of an Oath is to be done away with for ever. I will assume that the person who affirms defends himself in an action for penalties and ventures his seat by his claim of right. Has Mr. Bradlaugh such a right? He says he has under the Statute which enables a person to give evidence in a Court of Justice, and which Statute gives the right,

"If the presiding Judge is satisfied that the taking of an oath shall have no binding effect upon his conscience."

But how can he do this if no question is to be put? Mr. Bradlaugh may possibly say that individually he is clear in the matter; because it has been admitted more than once in Courts of Justice that he was a person so entitled to affirm, and that, therefore, so far as he is concerned, it is his privilege to do so; and that would be an ingenious way out of the difficulty. But that would not be an answer in the case of one who, having just the same claim, had never been in the Courts of Justice. How is such a one to get the advantage of this claim? Clearly by having the question put to him by the Clerk at the Table. And I presume that when the question was put to Mr. Bradlaugh by the Clerk—"On what ground do you claim to affirm?" he was only doing that which was absolutely necessary in order to ascertain what was meant by the claim. I do not see how you are to get out of that, or how you are to show that the Resolution is not confined to Mr. Bradlaugh. I will go a step further, and say—Suppose you do pass this Resolution and get the matter established in the way you desire—that Mr. Bradlaugh claims to affirm and that the case is brought to trial. Are you out of your difficulty? Not at all. You make, or may make, your difficulty ten times worse. What if the Court should say with the majority of the Committee you appointed—Mr. Bradlaugh had no

right to claim to affirm, and he is subject to penalties and his seat is vacated. What will you do then? Suppose his constituents return him and he comes here; what are you to do? Or suppose he does not seek re-election; will not the constituency say—"We find ourselves seriously aggrieved in this matter, for here is the Member we wish to return excluded, and excluded by the law as expounded by the Courts of Justice." What are you going to do? Are you going to amend or alter the law? You will have pressure put upon you to legislate; for, depend upon it, you will not get out of the difficulty by any of these ingenious Resolutions. A statement, I am reminded, appeared in one of the morning papers which was entirely unauthorized, and one which I do not accept, to the effect that the Conservative Party were about to make a proposal for legislation in this matter. What I am prepared to say is this—that if you deal with it at all you must deal with it by legislation. How was it that these matters were dealt with before? What was the course pursued when Baron Rothschild and Mr. Alderman Salomons came and proposed to take their seats in this House? Did the House proceed by Resolution? Nothing of the sort. The House refused, and for eight years refused, to admit them into the House, and those Gentlemen represented constituencies at least as important as Northampton, which remained without Members while the question was being discussed and legislation was being considered. Well, you are now proposing a wholly different course. You are proposing to deal with the matter by a Resolution which I venture to think, with all submission, is beyond the competency of the House of Commons. ["No!"] Well, that is, perhaps, a strong expression to use, as I do not know whether it is possible to limit the competency of the House of Commons. But let the House consider seriously what position they will be in if they set this precedent. When Mr. Alderman Salomons took his seat in the House against the orders and directions of the Speaker, and resisted for a time the attempts made to remove him from the House, he was proceeded against in a Court of Law, damages were recovered against him, and the matter occasioned no great inconvenience. But if you ad-

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mit a Member to take his seat here with a warning that afterwards he will be subject to an action in a Court of Law, you cannot afford to sit by as you did in the case of the action against Mr. Alderman Salomons, because, in this case, the House would be a party to the matter; it would become a question of the Privilege of the House, and it may open an extremely inconvenient question between the Courts and the House of Commons. What the consequences of such a collision as that might be I do not venture to foretell; but this I am sure of—that if it is the wish of the House to maintain their Privileges, they should be very cautious how they exercise those Privileges. The step now asked to be taken is one which is somewhat humiliating to the House of Commons. It is that they should virtually rescind a Resolution debated, not hastily, not in a small House, but in a full House, and carried by a large majority—a majority consisting not of Gentlemen drawn exclusively from one side of it—and after two nights' discussion and after two Committees had sat upon the question—I say it would be humiliating to the House to rescind their Resolution upon the invitation of the Prime Minister, grounded upon something very like a threat, or the intimation of a threat, that possible consequences might ensue damaging to the order and peace of the House. I believe that if the House sets this precedent they will before long have occasion to repent it.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House cannot adopt a Resolution which virtually rescinds the Resolution passed by it on the 22nd day of June last,"—(*Sir Stafford Northcote,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MARRIOTT said, that the question before the House was not confined simply to rules and regulations; but it affected materially the rights and privileges of those constituencies in which new Members had as great an interest as the oldest Member of that House. The gist of the matter, as laid down by the Prime Minister, was that the House, in adopting a Resolution passed on a

previous occasion, had gone beyond its jurisdiction. It was, of course, perfectly clear that Parliament had a right to make laws; but it had not the power to explain them after they had been made, and certainly no one branch, either the Crown, or the Lords, or the Commons, had the power of explaining Acts passed by those Estates. That was alone the province of the Executive, as represented in this instance by Her Majesty's Judges. It seemed to him that if this Resolution were rejected, they not only denied the right of Members duly elected to sit in the House, but they proposed to impose a qualification beyond that imposed by Statute Law. The question of law was disputed by eminent lawyers; and it seemed to him to be the duty of the Judges and the Executive, rather than of the House, to interpret the law. By the Resolution of the House last week, Mr. Bradlaugh was in the position of a man denied a legal right, the opportunity of applying for a legal remedy, for he could not raise the question in the Courts in the form of an action against the Serjeant at Arms. Had he been a voter for Northampton, he should have voted against Mr. Bradlaugh; but were that Gentleman to be returned to the constituency, he would now, if he had a vote, give it to him, not in support of his opinions, but in vindication of the rights of the constituents, which rights the House would have tried to take away. What the Opposition wanted to say in the matter was that they would not have Mr. Bradlaugh in the House because he was an Atheist; but they were afraid to take the courageous and straightforward course of saying so by a Resolution. They tried to circumvent the question by assuming the function of interpreters of the law—a function belonging to the Judicature, and which Parliament had never before undertaken. It seemed to him that the proposition of the Government appeared the only reasonable way in which the point could be brought to a proper decision, and he, therefore, supported it.

LORD HENRY SCOTT, who had an Amendment on the Paper to the 2nd Resolution to the effect—

"That it is necessary that the said Acts be amended in order to entitle such person to make an Affirmation in lieu of taking an Oath,"

denied that the difficulty in which the House was placed was due to the action

of the Opposition. From the moment that Mr. Bradlaugh was returned it was foreseen that the difficulty would arise, and it was a great pity that the Liberal Party gave the countenance they did to his candidature. He had received the open patronage of the Leaders of that Party, and a noted Nonconformist telegraphed to the electors of Northampton to elect him rather than allow a Tory to get in. When he presented himself and claimed to affirm, the Government knew perfectly well that he did not come within the category of persons entitled by law to make an Affirmation; and if it had not been for the Party bias which they and their supporters imported into the matter the House would never have been placed in its present difficulty. It had been said that Members on the Opposition side ought to produce some legislation for the purpose of enabling Mr. Bradlaugh to take his seat. He submitted, however, that this was not the duty of the Opposition. He maintained that it was not possible for the House to do anything to enable Mr. Bradlaugh to take his seat except by legislation. The relief which the law allowed, to make an Affirmation, was confined to persons who held some religious belief; and, although there were persons sitting in the House whose views involved the negation of religious belief, this was the first time that an avowed Atheist had ever come into the House himself, thrusting his objectionable opinions under the notice of the House. It was well known that Mr. Bradlaugh had declared in a Court of Law that an oath would not be binding on his conscience; but because a learned Judge allowed him to affirm in the interests of justice, that was no reason why Parliament should permit him to take the same course. If Mr. Bradlaugh had ground of complaint against anyone it was against Her Majesty's Government for not adopting the manly and straightforward way of meeting his claims by legislation, instead of trying to get him into the House by a back way. The Resolution of the Government not only rescinded that at which the House had already arrived, but it authorized an illegal act, or one of very doubtful legality, to be done by Mr. Bradlaugh, and repeated by anyone else holding his views in future. This was the only instance on record in which

an attempt had been made to make a Standing Order which would allow an act of doubtful legality to be done. He had no sympathy with Mr. Bradlaugh; but he thought the Government had treated him with gross injustice from beginning to end of this matter. If the Resolution were passed he would still be liable to an action at law; and it was but the beginning of a long controversy, which he (Lord Henry Scott) would prefer to see dealt with in an honest and straightforward manner, and not by the course proposed by the Government.

MR. P. J. SMYTH: Sir, as I had not an opportunity of speaking on the former occasion, I hope the House will extend its indulgence to me a short time. Now, it seems to me that neither the Resolution nor the Amendment, nor both together, raise the true issue. It is impossible to dissociate the personality of Mr. Bradlaugh from the question before the House. The Motion has special reference to him and to others, if, unhappily, such there be, who share, or fancy they share, his views. If this were a question of civil and religious liberty, I would say—"Amend the Forms of Parliament for the accommodation of Mr. Bradlaugh, and throw wide your doors for the admission of him and others." Civil liberty I take to mean that all men in this country are equal in the eye of the law; and by religious liberty I understand the right of every man to worship God according to his conscience. No one proposes to deprive Mr. Bradlaugh of any civil or religious right; but Parliament, having been broadly challenged, is bound to defend against him and others the principle of its own existence. No new test is sought to be imposed. The test of Theism has existed always. It is implied in every act and in every form of Parliament. It pervades the whole body of the Constitution, of which, like the soul in man, it is the animating principle. Is the prayer with which Parliament opens each day its proceedings an empty formula; or is it not an humble action of acknowledgment of its absolute dependence on an All-wise Providence? Does the phrase quoted in the Preamble of every Act, "the Lords spiritual and temporal," signify only the union between Church and State, and not the higher and better union between religion

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and the law? The legislators among the most ancient peoples sought a religious sanction for their laws and placed them under the protection of their divinities. Thus it was among the Egyptians; thus it was with Lycurgus among the Lacedemonians; thus it was with Numa among the Romans. A belief in the Deity under the idea of Supreme Legislator has always existed. It is as natural to man as social life; and I hold that a man who repudiates that belief, and becomes the active propagandist of doctrines as subversive of social life as of the Constitution of the Realm, is disqualified to discharge the duties of a legislator. Parliament is not merely a political machine; Parliament is, in its highest aspect, a religious institution, whose every act must be a conformity with the moral law, the foundation and source of which is God. Admit the Atheist, and you will have, in course of time, Atheistical legislation. The legislators of one generation, perhaps the present, will sow the wind; and mankind, in the next, will reap the whirlwind. Thus came the excesses of the French Revolution, the seeds of which were sown, in the first instance, by the speculations of English philosophers. Eight years ago the right hon. Gentleman then, as now, Prime Minister, delivered a remarkable address before the University College of Liverpool, in which he uplifted the strong voice of a conscientious man in defence of Christianity assailed. His deep conviction of impending danger could alone have induced the right hon. Gentleman to use the language of solemn warning that characterized that memorable address. Within these eight years the danger has not diminished. The wolf is at the gate; and instead of uniting to drive him away, the British Legislature discuss the formalities with which he shall be received within the fold. A Member may be, or may have been, returned to this House who cannot find it in his conscience to tolerate the Almighty; and we are warned in the name of religious liberty that in order to satisfy his conscientious scruples we must efface the religious character of Parliament. A new Affirmation Book shall be prepared in lieu of the Bible, on which shall be emblazoned the legend—"God expunged by special desire;" Party nomenclature shall be enriched by the addition of the Swearers

and the Affirmers. In Oath and Affirmation allegiance to the temporal Sovereignty is obligatory; but allegiance to the King of Kings is a matter of discretion; and this is religious toleration, religious liberty. Material progress and political improvement apart, the distinguishing characteristics of the age are a decline in high intellect and an increase in audacious impiety. I trust that the House of Commons will not be induced to alter its time-honoured rule for the purpose of admitting to a seat in this House anyone, no matter by which constituency returned, who shall openly dispute the Divine origin of the moral law, and the authoritative sanctions of its behests. Even that law requires for its sustainment the aids and defences which religion alone can supply. Without them it would fail, the idea of duty would disappear, and mankind would be left dependent for their moral government on a scientific morality sustained by a human religion. My hon. Friends and Colleagues from Ireland, whatever the course which they may take upon this question, will be mindful, I know, of the honour of their country. Whatever the faults of our countrymen—and they are many, and serious enough—they are redeemed by the fidelity with which, during sorrowful centuries, they have clung to their nationality and religion combined. They have justified the description of Burke—that a nation is a moral essence, not a geographical definition. So long as that essence remains uncontaminated and undefiled, the nation lives, though it may be in chains. But once contaminate it by foreign mixtures, by false theories, and by pernicious doctrines, the process of national decay is rapid, and most fatal, perhaps, in its operation amongst Catholic people long subject to misgovernment.

MR. BÖRLASE: The apology which it is fitting and customary that a new Member should offer who ventures for the first time to claim the attention of this honourable House is rendered more than usually necessary in the present instance by the almost unprecedented gravity of the subject in debate. Occasions there may have been—and doubtless there have been in plenty—when a new Member, on taking his seat, finds himself face to face at once with questions vital to what he feels and knows to be his country's good; but when I take

into account the daily-increasing complexity of those social problems which are unceasingly stirring around us; when I bear in mind that it is scarcely too much to say, as has been said, that these are days when the Previous Question is being moved on every subject, human and divine; when I look to the momentous issues which may result from the bare consideration of a question such as this—I cannot fancy that—go back how far soever I may along the lines of English history—there ever can have been a time when, on a new Member's part, there was greater cause for firm resolution, the result of serious reflection and anxious care. I feel sure, so far as my short experience has enabled me to judge of the general tone and tenor of this House, that I shall not be expressing the sentiments of myself alone, but of many an hon. Member—new and old alike, on this side and on that—when I say that it was with a sense of profound responsibility that we have approached those questions to which the unparalleled conduct of the Member for Northampton gave rise in the earlier stages of this matter; but if it was with a sense of responsibility that we approached those questions which related to the mere appointment of Committees and their numerical strength, it is now with a sense of something much more akin to apprehension that we draw near to the subject in the phase which it has now assumed—of apprehension, not lest this honourable House should ultimately adopt a course of procedure which is other than in accordance with what is just and right, but lest the community itself should suffer irremediable harm from the protracted discussion in this place of a matter which, to say the very least of it, must be fruitless of good. Now, Sir, I have to claim the attention of the House while I lay before it a view of this question which, while it is a simple one, is largely entertained in the country generally, and has the advantage of being, strictly speaking, neither legal nor sentimental. It is widely held, then, that throughout the debates on this question there has been a want of clearness in distinguishing between complicity with a man's views and the maintenance of his rights; between active participation in—nay, mere recognition of—the cause of such and such a speculative agitator,

and the duty of upholding the right of every English citizen to the benefit of election by his fellow-men. With the former, Parliament has nothing in the world to do; while, in giving effect to the latter, it is simply exercising its natural and necessary, its ordinary and proper function. It is true that there has been good cause for such a confusion of ideas. It is a great anomaly, indeed, when we find a man of no religion attempting, in the name of religious liberty, to treat any precedent of Parliament as a thing of no effect; but a far greater anomaly would it be for the Representatives of the English people, in the name of a precedent of Parliament, to deny to any English citizen a right which is his by birth. For this reason, I shall support the Resolution of the right hon. Gentleman. Now, it would be unbecoming in me to particularize any of those hon. Gentlemen opposite who in previous debates, or in this one, have thought it a conscientious duty to act on considerations derived from an opposite point of view; but I would merely express the surprise I felt—I think it was almost on my first entrance into this House—to see an hon. Gentleman—it was the hon. Member for Portsmouth (Sir H. Drummond Wolff)—standing up in his place, as a duly elected Member of this House, and interposing between another equally duly elected Member and his seat. I cannot but think that that is a species of obstruction which neither this House nor this nation will endure. I am not speaking of obstruction to the Public Business of this House—though that is bad enough—but of obstruction to the will of the English people—obstruction of a nature such as the Constitutional historian of the future will have to deal with, and with which, if I mistake not, he will not deal too tenderly. If, Sir, hon. Members opposite choose to make use of such methods as these, most assuredly will they find, ere many years have passed away, that organized obstruction to the inevitable is the surest factor which can be found of sudden, and, it may be, of disastrous change. The mill stream never runs so swiftly as when sweeping the mill dam away. One other point to which I feel bound to allude is the ungenerous and unworthy, base, and untrue insinuations which have been levelled at the Liberal Party, and at the Noncon-

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formists in particular, in respect to complicity on their part with this most atrocious case. As an individual unit of that great Party, which represents—as I believe—the immemorial spirit of the English people, and as the Representative of a constituency (East Cornwall) largely Nonconformist in that part of this country which John Wesley specially made his own, I wish, standing here in my place, in such poor words as I am capable of, most indignantly to rebut and to repudiate that charge. It is framed in the same mould as one which we had to deal with during the recent Election, and which, appearing in a letter, which, from the prominence of its author and the prominence of its recipient, was dignified by the name of a Manifesto, imputed disloyalty by implication to the Liberal Party. Both alike were based on individual instances devoid of truth; the first recoiled on those who made it, and the second will do the same. But, since that insinuation has been made, it must be answered; and for this object I have in my mind the words of that chivalrous and far-seeing man, M. de Tocqueville—

“The experience of all ages has shown that the most living root of religious belief has ever been planted in the heart of the people.”

Now, in the first place, whatever some philosophers may say, even if there were a dozen Mr. Bradlaughs in this House, the fact would remain that, in so far as the community is concerned, this nation is still not only a religious but a Christian nation. There is inherent within it a religious expression, which alternately guides and controls, and is guided and controlled by the civil power; and, in the second place, Liberalism, if I know anything of it, is the expression of the voice of the people's heart. In the practical politics of the Party, therefore, religion still lives, and moves, and has its being. It is unnecessary for me to make any defence for Nonconformists. The Wesleyans have sent, as a protest to this House, one of the most solemn documents ever laid before it,—on the matter of the Oath. The fact, then, really amounts to this—that all this while Liberals and Nonconformists have been seeing what, I am sorry to say, some hon. Gentlemen on this side of the House as well as on that have been blind to—namely, that the maintenance of a

man's rights has nothing on earth to do with complicity with his views. In conclusion, I will say that fortunate, most fortunate, do I hold it to be that the Leader of this House in such a crisis as this is the right hon. Gentleman whom his Queen and country alike have called to occupy that exalted post. In him all alike can place reliance when the cause of religion is at stake. Not unwilling will he be that I should recall to this House, to his Party, but to the new Members most of all, words which, in 1872, he used in an address to students at Liverpool—

“In preparing yourselves for the combat of life I beg you to take this also into your account, that the spirit of denial is abroad, and that it has challenged all religion, but especially the religion we profess, to the combat of life and death.”

Having regard to those words, and to many others of like import which have fallen from the lips of the right hon. Gentleman, I am prepared faithfully and trustfully to follow him into the Lobby to which this Resolution will lead, believing that—where religion is in question—if I may use the old simile of the ship of the State, no counter seas will make his hand to waver on the wheel, no passing clouds divert his vision from the lode-star of our ancient faith.

MR. NORTHCOTE approached the question from a very young Member's point of view, and not from considerations ultra-legal or ultra-ecclesiastical. He was one of three Conservative Members who supported the original proposition of the Government that the case should be referred to a Select Committee. He wished to say a few words about the allegations that the Conservative Party nourished some personal animosity against Mr. Bradlaugh, and that they were actuated in their conduct by a desire to obtain an electioneering advantage. As for the charge of personal animosity, he could assure the House that he entertained no animosity towards Mr. Bradlaugh. With regard to the second allegation to which he had referred, he would remind the House that it was not the Conservative Party who initiated the proceedings against Mr. Bradlaugh. The person who originally expressed a doubt as to whether Mr. Bradlaugh could or could not affirm was the Speaker himself, and upon such doubt being expressed, Her Majesty's Govern-

ment chose a Select Committee to inquire into the matter, and ascertain whether, under the circumstances, Mr. Bradlaugh was in a position to make an Affirmation. It was perfectly open to the Government to have accepted that Report; and, therefore, the Conservatives could hardly be blamed for loyally taking up the Report of a Committee which the Government itself had proposed. Then, the Conservative Party were charged with endeavouring to keep Mr. Bradlaugh out of the House for political reasons; and he thought before imputing to the Conservative Party that they were actuated in their proceedings by merely an electioneering desire, it would be more regular to inquire what the real circumstances of the case were. What the Conservative Party were doing was to support the decision arrived at by the two Committees that were appointed to consider the question, and they were not opposing the Resolution for any electioneering purposes. It was hard that they should be accused of having waited till the eleventh hour before taking action. Had they not been told that they had no right to take Mr. Bradlaugh's previous conduct into account? How, then, could they do otherwise than assume, until Mr. Bradlaugh's conduct showed that the assumption was wrong, that the opinions of that gentleman had undergone sufficient change to allow him to go through the proper forms before taking his seat? So far as he understood the whole question, he could not see how the Committees could have come to any other decision than the one they did arrive at. In conclusion, he protested against the Conservative Party being accused of attempting to keep Mr. Bradlaugh out of the House to suit their own purposes, and stated that they were simply supporting the decisions of the two Committees, both of which were appointed by the Government. If the Resolution of the Prime Minister was not passed, and Mr. Bradlaugh was unable to take his seat in the House, a very simple course was open to the Government—a course that had been advocated by almost every newspaper, and many persons outside the walls of that House—namely, that the Government should introduce some measure the effect of which should be to permit Mr. Bradlaugh to take his seat. If that course were adopted by

Mr. Northcote

the Government there would be no captious opposition from any Gentleman on that side of the House. He trusted that the House would support the Amendment of the right hon. Baronet the Member for North Devon.

MR. W. CORBET said, that as an Irish Catholic, representing a constituency the majority of whom were Catholics, he felt himself under a solemn obligation to enter his earnest and unqualified protest against any measure having for its aim or object the facilitating the admission of Mr. Bradlaugh into that House. In saying that he believed he was not only expressing his own sentiments, but those of men of every shade of opinion, religious or political, in the county he had the honour to represent (Wicklow). Concurring as he did to the fullest extent with those hon. Gentlemen who had from the first declared themselves against opening the door of the House to Mr. Bradlaugh, he was forced to the conclusion that the right hon. Gentleman at the head of the Government, whose character he (Mr. Corbet) held in the highest estimation, had on that occasion allowed his well-known constitutional liberality to lead him to overstep, or rather to wish altogether to obliterate, the broad and distinct line of demarcation which existed, and which it was to be hoped ever would exist, between hon. Members of that House and those classes of the community with whom Mr. Bradlaugh had striven so effectually and so successfully to identify himself. In his earnest desire and, as he (Mr. Corbet) believed, anxiety to be just to an individual, the Prime Minister was pursuing a course calculated to give mortal offence not merely to a small section of the community, but to the whole people of the United Kingdom, minus the demented electors of Northampton. The last thing which anyone would dream of alleging against the right hon. Gentleman was that he had any sympathy with Mr. Bradlaugh's Besantine doctrines of morality or avowed Atheism. They had been admonished by the Treasury Bench to avoid introducing any element of passion into the discussion of that most odious question; but it was impossible calmly to contemplate the admission of Mr. Bradlaugh into that Assembly. Outside that door clamouring to take his seat, not amid the

political outcasts of fortune, but among the upright and virtuous followers of Her Majesty's Government, there was one who, judged by his own antecedents, out of his own lips, and by his widely disseminated and scandalous writings, was the human embodiment of the reverse of virtue. Catholics held that there was but one infallible authority on earth in the matter of faith and morals. Having had the advantage of reading a celebrated literary production and of observing the course taken during the progress of those debates, he thought he might hazard the conjecture that that authority was not the right hon. Gentleman at the head of the Government.

SIR HENRY JACKSON expressed regret that there should be imported into every discussion upon this question so much pietistic declamation, and so much abuse. He held that it would be altogether more consistent with the usages of the House, and also with the practice of gentlemen, if they were allowed to debate that matter as a question of principle, avoiding those too frequent personal allusions to the unfortunate individual who had given rise to that discussion. This had been an unfortunate affair from beginning to end. It was, no doubt, an extreme case. Hon. Gentlemen on his side of the House were battling, first of all, for what they considered to be the cause of civil and religious liberty, served up, he owned, with not very savoury sauce on that occasion. But the question would never have arisen, and they would never have been put on their mettle, if the person referred to were an ordinary person and one who would be welcome to the House. Personal objection was the cause of all the hot debate and strong sentiments they had heard. He protested, however, against personal dislike being substituted for the real question before the House, to the consideration of which he desired to recall the debate. The Motion before them was intended to extricate the House from the difficult position in which it had been placed by the adoption of the Resolution of the hon. and learned Member for Launceston (Sir Hardinge Giffard) on the 22nd of June. That Resolution, which now stood recorded on the Journals of the House, declared in so many words that Mr. Bradlaugh should not be

permitted either to take the Oath or to make the Affirmation mentioned in the Statute. That declaration was without any limit of time or any condition whatever. But the Statute Law of the country expressly directed that every Member of the House—a term which clearly included Mr. Bradlaugh—was to do one or other of the two things which the Resolution of the 22nd of June said Mr. Bradlaugh should not do. The Statute was perfectly plain. It in simple words enacted that the Oath should be taken by every Member at the Table in the middle of the House. That was a duty thrown upon every Member, and there was only one exception to its obligation. That exception was found in this—that the Statute contemplated the possibility of some Members objecting to take the Oath. It was passed to remove difficulties which had arisen in practice as to taking the Oath; and to meet and provided for this difficulty it provide that if a Member objected to take the Oath, there was an alternative course opened for him—that of making an Affirmation. But either Oath or Affirmation he must take. From one or other there was no escape. One of the most unfortunate features in the history of this controversy was that there had been separate References, each embracing only one-half of the question, to two distinct Committees. He could not doubt that if the whole question had been sent to one Committee, the Report of that Committee would have adopted the view the conclusion to which the House was invited to come by the Prime Minister—namely, that no Member was to be prevented from doing that which the law said he should do—was a proper conclusion. He could not but believe that if one Committee had considered both branches of this question together, and as a whole, they must have determined that Mr. Bradlaugh could and must either affirm or take the Oath. His own conviction was that he might affirm, and that having claimed to affirm he could not take the Oath. He had also a strong conviction that if the Report of either of these Committees had been contrary to what it was, hon. Gentlemen opposite would have asserted the right of the House to decide for itself on this matter. ["Hear, hear!"] Well, that was the very thing the House were now asked by the Government to do. Unless they modified the unfortunate Resolution

which now stood on the Journals of the House, they would be preventing a Member from complying with the obligations of the Act of Parliament. He was bound to admit that the suggestion of the second Committee, that the matter should be left to be decided by a Court of Law, was not altogether satisfactory. It seemed to him to be rather a flabby conclusion. What he should have been glad to see the second Committee do was to have stated that, in their judgment, the first Committee had not considered the matter adequately as a whole, and were wrong in their view. Had they taken this course the present embarrassment would have been less; but even as it was, the House could do no harm by agreeing to the invitation of the Prime Minister. Taking the Oath, or making an Affirmation, was not intended as a religious test, but only as a declaration of loyalty. Mr. Bradlaugh was desirous of carrying out the mandate of his constituents, by complying with the obligation of the law and taking his seat, and in preventing him from doing it in the manner prescribed by Statute the House itself was, in his (Sir Henry Jackson's) opinion, violating the law. The law said he should not do it until he had signified his allegiance to his Sovereign, and that this could be done by an action purely secular. He failed to see what injury Parliament would sustain by dispensing with the Oath in this case, and allowing the hon. Member to substitute a Declaration of his allegiance.

MR. STAVELEY HILL said, that the decision of the first Committee was said to have been appealed against, and was overruled by the decision of the second Committee. He could only say, as was said by his right hon. Friend the late Secretary of State for the Home Department (Sir R. Aassheton Cross), that had he known that the second Committee was intended to be an appeal from the first Committee, he should not have felt it his duty to take a seat in that Committee. The only proper tribunal to which to appeal from a Committee of that House was the full House itself; and, in his opinion, that was the proper course for Her Majesty's Government to have taken. It was said that the recommendation of the second Committee reversing the decision of the first Committee and allowing Mr. Bradlaugh

Sir Henry Jackson

to affirm, had been carried by a majority of 12 to 9, while the Report of the first Committee had been carried by a majority of 1, but to this 9 should be added, the Chairman and the late Attorney General, who was then absent; and it would be seen the real majority in the second Committee was also 1; and the fact was that that majority was brought about solely by the change of side by the hon. and learned Member for Stockport (Mr. Hopwood). It appeared to him quite clear that Mr. Bradlaugh could not be permitted to take the Oath or make an Affirmation. If at the Table of the House he had not made the claim to affirm by virtue of the Evidence Amendment Act, 1869-70, he would have been able to take the Oath without a question being raised; but, seeing that Mr. Bradlaugh called the attention of the Speaker to his claim, the House had a right to interfere. His (Mr. Staveley Hill's) view with regard to the right to affirm was this. Originally both witnesses in Courts of Law and Members of that House were required absolutely to take the Oath; but the rigid rule had been gradually relaxed, both in Courts of Justice and in that House, in favour of those who entertained religious scruples against taking an oath. The legislation on this subject, however, had never gone so far with regard to that House as it had with regard to Courts of Justice, and the law allowing Affirmations to be taken in that House not only with reference to this promissory Oath, but even to the Oath of testimony also, as shown by the Act of 1871, only went as far as that which was conceded for Courts of Justice in 1854. He denied that it was possible to construe one set of Acts by the other set. He was of opinion, therefore, that Mr. Bradlaugh was not a person entitled under the Act of Parliament to make an Affirmation; and if, at the same time, it had been rightly held that he could not take the Oath, what course should be followed? The bringing forward of this subject was a great misfortune; but if Mr. Bradlaugh had not himself raised the question, he could have taken the Oath, and nothing more would have been heard of him; but he (Mr. Staveley Hill) submitted that it would have been impossible for hon. Members to have sat there and witnessed an act which in itself would have been utterly ludicrous. The Prime Minister was inaccurate in

stating that the objection had originated with the Clerk at the Table, because all that the latter had done had been to ask Mr. Bradlaugh by what right he claimed to affirm, a question which it was right and necessary to put to those claiming to make an Affirmation. The Prime Minister, who had not completely stated what had taken place on previous occasions, now asked—"What else can we do than appeal to the House?" The Committee, he (Mr. Staveley Hill) submitted, that sat last to consider the question, had all the precedents before them relating to the Parliamentary Oath, and it was proved to be the clear practice of Parliament that where a Member declined to take the Oath when it was tendered to him, or was unwilling to take the Oath, or in the judgment of the House was not a proper person to whom the Oath should be administered, the course had always been to declare the seat vacant, and to issue a new Writ. In 1620 occurred the precedent of Sir John Lee, who had been in the House for some time and had not taken the Oath. In spite of his willingness to take the Oath a new Writ was issued. Another precedent was that of Sir H. Monson, in 1689, in whose case a new Writ was issued because he had not taken the Oath, and had not attended the service of the House. He might mention also the precedent of Lord Fanshawe; but the best case in point was furnished by John Archdale, the Quaker Member for Chipping Wycombe in 1698. In his case the Speaker acquainted the House that he had received from Archdale a sealed letter, to the effect that he had not opposed the wishes of the burgesses when he found them desirous of electing him, and that, if the House would permit him to do so without taking the Oath, he was ready to execute his trust. The House having heard the letter read and the Statutes, Mr. Archdale came in, and the Speaker, by direction of the House, asked him whether he would take the Oath. That he declined to do on account of the principles of his religion, and a new Writ was ordered to issue. Now, as far as Parliamentary requirements went, that was the closest parallel he could find to the case of the hon. Member for Northampton. Having regard to those precedents, the course that the Government ought to have taken was sufficiently

obvious. All further trouble would have been avoided if the manly course had been adopted of issuing a new Writ. If Mr. Bradlaugh was still loved by the people of Northampton, in spite of his vagaries, and again returned, then he could have walked up to the Table and taken the Oath, and no more would have been heard of the matter; if not returned, the contention would equally have been at an end, and the House could have calmly proceeded to legislate for any future similar case. As it was, he hoped the House would not affirm the Resolution of the Prime Minister—one that would allow Mr. Bradlaugh, by a sort of side wind, to take his seat, and so frustrate the previous Resolution it had arrived at. One thing was clear, that it would not be right to invite Mr. Bradlaugh to affirm at his own peril. If, in consequence of the action of the House, he incurred a penalty, the House would be bound in common fairness to give him an indemnity.

MR. BUTT held that the action of the House had not been in accordance with the law, and hon. Members ought to be very glad at the eleventh hour to recede from the false position they had taken up. The Oath of Allegiance was never designed for the purposes to which it had been diverted by the recent Resolution; for the House, by excluding Mr. Bradlaugh, would practically convert it into a religious test. No one could help thinking it strange that the law itself should be invoked in order to prevent the hon. Member from complying with its requirements. Sir Erskine May had stated distinctly that there was no precedent for refusing to allow a man who presented himself at the Table to take the Oath from taking it. There were certain oaths at present which a man was entitled to take in the Courts of Law, even although he were an Atheist. Until a very recent period every answer in Chancery had to be sworn by the defendant. Was the suggestion ever made that a man upon whom the law imposed the duty of making his answer in Chancery upon oath was prevented from doing so because he was an Atheist? The principle which underlay the whole matter was that when the law enjoined that an oath should be taken it would not step in to prevent its being taken. *Taylor on Evidence*, the highest authority in England upon the

subject, quoted without disapproval, or rather with approval, an American authority who laid down that whether a person about to be sworn was an Atheist or not, the question could never be raised by anyone but the adverse party. In another place, the same authority said that there was nothing to prevent an Atheist from taking an oath of office, or from swearing a complaint before a magistrate, or from making oath in his answer in Chancery. Was he (Mr. Butt) not right, therefore, in saying that when the law enjoined on a Member of Parliament to take the Oath, it could not in the same breath say—"You shall not be allowed to take it?" The authority which he had already quoted also said that the law never allowed an objection of infidelity to be raised against any man seeking his own right before a Court of Justice. On what did the House proceed? On its own notion that the Oath had no binding effect on a person entertaining the opinions of Mr. Bradlaugh. The House was in danger of doing great injustice, when it prevented Mr. Bradlaugh from doing that which he said he was prepared to do. It was said Mr. Bradlaugh had obtruded his opinions on the House. Holding the opinions he did, Mr. Bradlaugh did not, perhaps, think himself justified in coming to the Table and swallowing the Oath without raising any question, or he might have raised the question in order to make political capital out of it. But, if it were so, it was no reason why, if he was otherwise minded to take the Oath, the House should prevent him. If notoriety were his object, the whole action of the House was aiding and abetting him in his desire. Was it fair, legal, or right towards his constituency to prevent Mr. Bradlaugh taking the Oath? Could any hon. Member doubt that in a contest between the House and Mr. Bradlaugh's constituency the House would ultimately be beaten? If the views which hon. Members opposite entertained of Mr. Bradlaugh's aims were correct, they were, by the action they took, playing most completely into his hands, and the longer they kept him out of the House the greater would be his ultimate triumph when he took his seat, as he assuredly would. It was for the interest, dignity, and honour of the House that it should adopt some Resolution, putting an end to the present situation.

Mr. Butt

MR. PARNELL said, it was with the utmost reluctance that, as an Irish Protestant, a member of the Synod of the Protestant Church of Ireland, and the parochial nominator of his parish, chosen by the votes of his fellow-Protestants to that office, he wished to explain his reasons for the vote which he intended to give for the Resolution of the Prime Minister. He could not recollect any time when he had felt greater timidity, less confidence in the result of the action which he was about to take, or less confident in the belief that the mass of the Irish people were behind him than upon the present occasion. In his past political life he had always felt that his action would be understood and appreciated by his constituents; but, upon the present occasion, he was bound to believe there was, at all events, very great risk of its being misunderstood. His religion, however, taught him to be just and fear not; and although a man might be placed under a temporary cloud or a temporary disqualification, he thought and felt convinced that, in the long run, if he acted according to the just dictates of his own conscience, every right-thinking man at home in Ireland would ultimately come to his support. Now, why did he intend to vote for the Resolution of the Prime Minister? Because he believed that the law entitled Mr. Bradlaugh to take his seat in that House, and he objected to that method of making law by Parliamentary Resolution. If those Gentlemen on the Opposition side of the House desired to keep Mr. Bradlaugh out of the House—and who said they desired to do so, because the law was against his views—if they desired what they said, why did they not legally test the question? But what had they done? They had prevented any legal test from being taken; they had deliberately prevented the action of the ordinary law of the land; and they had deliberately prevented an important constituency like Northampton from having its right of representation in the House of Commons. Now, a cry had been raised against him (Mr. Parnell) in Ireland that he was an Atheist, because he voted for the admission of Mr. Bradlaugh. He wished to say that Mr. Bradlaugh's religious tenets and his doctrines with reference to over-population were abominable; but because he (Mr. Parnell) objected to

that Gentleman's doctrines on those questions was not a sufficient reason why he should go contrary to the law. Catholic Members for Ireland had felt very strongly on the question—very strongly, indeed—and they had been told that they ought to recollect that it was once sought to keep them out, just as it was now sought to keep Mr. Bradlaugh out. But he would ask the Catholic Members what did they fear? Did they fear that their religion would be injured by Mr. Bradlaugh's introduction to the House? ["No, no!"] If they did not, then upon what principle did they proceed? He had listened carefully to many of the speeches of his Catholic Friends from Ireland, and it had appeared to him that they had argued that it was their duty as Catholics to keep Mr. Bradlaugh out of the House lest their religion should be injured by his introduction. ["No, no!"] Then, for what other reason did they object to his coming there? An appeal had been made to Catholic Ireland. They had been told that that little Island was the last country that had resisted the inroads of Continental infidelity, and that unless they desired that that odious thing should creep into Ireland, they must keep Mr. Bradlaugh out of the House. Well, that surely seemed to indicate a fear on the part of Irish Catholics that their religion might be injured by Mr. Bradlaugh's introduction into the House; but were they entitled really to look at it from that point of view? Were they, as Catholics, entitled to say—"Because we are Catholics, we object to Mr. Bradlaugh?" For they must recollect exactly the same argument was used against their own admission. Why were Catholics deprived of their civil rights for centuries? Why were they prevented from coming into that House? It was because Protestants feared that the admission of Catholics would injure the Protestant religion, and it was because the majority of Protestants began to see that even if they had that fear, it was an unworthy fear, and a fear that they ought not to allow to influence them in considering the civil rights of their fellow-men, that Catholics were at last admitted to the same civil and religious rights as Protestants. They must never forget that, in dealing with this subject, if they once admitted the principle that they were entitled to ob-

ject to a man because his doctrines were likely to injure their religion, they struck at the very root of civil and religious liberty, and that was why he felt it his duty to do that which was personally odious to him. It was a personally odious task for him to undertake to vote for the admission of the hon. Member for Northampton (Mr. Bradlaugh) to that House; but if he had to walk through that Lobby by himself, he should feel himself a coward if he refused to do so.

MR. A. M. SULLIVAN said, he was very glad to be able to follow his hon. Friend the Member for the City of Cork (Mr. Parnell) who had spoken last, in order to assure him that he (Mr. A. M. Sullivan) should be sorry if any Catholic Member from Ireland rose to reply to him, and used a single word which would imply a failure to appreciate his honesty, his devotion, his sincerity, and his patriotism. The liberality of his (Mr. A. M. Sullivan's) co-religionists who elected a Protestant Gentleman like the hon. Member for Cork to represent them would be only hypocrisy and sham, if they expected their Member to speak on a question like this otherwise than as a conscientious Protestant; and no one would be more ready to defend the hon. Member against any such aspersions as he had anticipated than would his Catholic fellow-Members. His hon. Friend, however, had spoken in the same way that the right hon. Gentleman the Leader of the House had spoken the other night for the abolition of tests, and not on the question before the House; and in the spirit of that speech he invited the hon. Member to vote for the Amendment he (Mr. A. M. Sullivan) had placed on the Paper. But the speech was beside the question now before the Chair. He (Mr. A. M. Sullivan) had listened to the speech of the Prime Minister that night, and it was a serious speech and a critical one for him, for the House, and for the country. The onus lay upon the right hon. Gentleman to justify to the House the proposition he had submitted for their consideration. The House had ere now rescinded Resolutions and abolished or modified its religious or political tests; but, he asked, had the right hon. Gentleman in his speech been able to quote one single precedent where a Resolution of the House had been rescinded by such

a side wind as he now proposed? He had not even fortified the consciences of his devoted followers by citing one single precedent during 500 years of the House of Commons to show where a religious test had been abolished in a manner at all comparable to that now submitted to the House? There was great danger in dealing with a question introduced by the Prime Minister, because of his eloquence and skill and the admiration most of them had for him. But he would ask the House to consider whether this was a Motion to satisfy an individual, or to remove the grievance of a class? Was it a capitulation to Mr. Bradlaugh? If it was not a capitulation to threats of violence and disorder, then was it an amendment of the law, which amendment experience had shown to be necessary and right? The police motive avowedly animated the present proposition. But, consider the view of the case which was academically taken in the country—namely, that this was a removal of a grievance which oppressed a class—what class was oppressed? They were told in a novel that a Lord Lieutenant of Ireland was informed that the Cork Militia was in the Castle yard, and when he went out to inquire for it, a single voice responded—"Here I am, your Excellency." What class was aggrieved by their present rules? "Here I am," might respond the hon. Gentleman sitting under the Gallery. That was the class. What other class had petitioned declaring that they were without representation? He would never vote for excluding any appreciable section of the nation from fair representation. The oppression of minorities had been the corner stone of tyranny in the history of Europe. Where was the class that was oppressed now? It was nothing but an individual. If there had been a class, it would have imitated other classes in petitioning for representation for ten, or five, or two years. They would have imitated other classes for whom the House had waived tests. Whenever before in the history of their proceedings had the House responded to the first knock of a class or of an individual? Did the first Catholic find a Prime Minister to admit him in the first instance? Or did the first Jew who was so conscientious that he was excluded for years? For 30 years his co-religionists had trod the thorny path leading to Catho-

lic Emancipation, during which period successive Ministries were made and unmade upon the question; and yet when a Catholic came to the Table and could not take the Oath he represented a nation of 8,000,000. But he had a conscience, and once he said he would not swear he did not swear. Even after Emancipation was passed, O'Connell had to go back to Clare and be re-elected, because the Act was not retrospective. But was Mr. Bradlaugh, who represented himself, to be dealt with in a more liberal, tolerant, and generous way? Then there were the Jews. He supposed he should be classed with the Ultramontane bigots—"Hear, hear!"—he understood that cheer; but he spoke of the emancipation of the Jews, because he had read with sympathy and with respect of the struggles of that cruelly-oppressed race, and he was proud to think that the Irish Members of that day supported their emancipation. But when Alderman Salomons came into the House no Prime Minister rose to propose not merely an amendment of the law, but a retrospective Resolution. That great honour was reserved for Mr. Bradlaugh. The Prime Minister rested his case very little on there being a class grievance; but he based it mainly on police considerations. An avowal had been made that night by the Premier of England which, two years ago, he (Mr. A. M. Sullivan) would have thought to be impossible—namely, that the proper way whereby the House should prevent a Gentleman forcing his way to the mace and remaining there as long as he pleased was to let him have what he demanded. If that were not done, and if the House did not pass under the Caudine forks, they were told that Mr. Bradlaugh, evening after evening, might come there and bully them—the Commons of the Empire. Why, since the bauble was removed from the Table, and armed men scattered the Members of the House, no such outrage as that had been committed on it. Was the reign of rowdiness again to be introduced, so that, on the threat of disorder and physical violence, they were to go on their knees and say—"Dear Mr. Bradlaugh, spare us from such scenes, and for police considerations you shall have all that you require?" His Friend, Mr. Plimsoll, gained something by standing in the midst of the floor and shaking his

Mr. A. M. Sullivan

fist at the then Premier; but if Mr. Plimsoll were then a Member of the House, he (Mr. A. M. Sullivan) could tell him that if he only threatened to come down, grasp the mace, and say—"Let me see who is able to put me out," the Prime Minister would counsel the House, with a view to escape from scenes of disorder and violence, they should pass the Merchant Shipping Bill. That was the only reason for the Motion before the House. ["No, no!"] If that was not the animating motive of the Resolution, why should the Government hesitate to accept his (Mr. A. M. Sullivan's) Amendment, which adopted their own view, but applied it prospectively, not retrospectively. For himself, he was opposed to tests where they were designed to disfranchise any section of the nation; therefore it was that he placed his Amendment on the Paper. He would appeal to that section of the Liberal Party which sat opposite, who were really at one with him on the question, to support him. They, too, as he did, desired to abolish religious tests; and if Party compulsion were removed from them, they would make the proposed emancipation consonant with all precedent; for never before had it been retrospective. He thought that it was more manly to honestly avow that he was conscious that he was moved in this matter by what some might call religious prejudices, than to pretend that he was not moved by some such feeling; but they were not prejudices of that narrow kind which would make a bigot seek to oppress all those who were not of his own religious belief. His was, he hoped, a broader and a wider view. He looked abroad, and he confessed his mind was overshadowed by a gloomy fear that there were days in store for Europe darker than any which had gone by for probably some hundreds of years. The very basis of the social edifice in every land was being ruthlessly assailed—and assailed by the stealthy step of men like him on whose behalf they were now asked to change the British Constitution. It was not because of Mr. Bradlaugh's religious opinions alone—though these were to him abhorrent—that he would refuse to violate all rule and precedent in extending to him the privileges of a Member of the House; it was because of other of his principles, which, taken in conjunction with his Atheistic opinions, struck fatally at the

foundation of civil society, as they knew it; and, therefore, he said that the Resolution would mark a turning point in the Parliamentary history of England. What the House was about to do was, not to accomplish a triumph for the principles of religious liberty, but to register high on the door-post of the House of Commons the flood-mark of unbelief and infidelity. Yet, would it not be well when Nihilism in Russia, Communism in France, Socialism in Germany, and Atheism in many lands, were threatening Thrones and Constitutions, if they in England—Jews, Protestants, and Catholics—were to join hands in holy reverence round the shrine of religious belief, and act upon the grand old Constitutional principle—Honour the King and worship God?

MR. RICHARD: Sir, I should like to be allowed to make a few observations on the subject before the House, because, with the exception of my right hon. Friend the Member for Birmingham (Mr. John Bright), I think no Nonconformist has yet taken part in these discussions. I have listened to the speech of my hon. and learned Friend the Member for Meath (Mr. A. M. Sullivan) with great admiration for its eloquence, but with unspeakable astonishment at the principles it enunciated. Indeed, the hon. and learned Gentleman seems to base his objection to Mr. Bradlaugh's claims on no principle whatever. It is with him a mere question of number and time. He appears to think that the admission of men to the enjoyment of their civil and political rights depends upon how many they are. Mr. Bradlaugh is only one man; therefore, he must be rejected. But surely one man is as much entitled to justice as 100,000 men. Then, says my hon. and learned Friend, you ought not to admit him at once. If he perseveres long enough, and knocks at the door of the House year after year, then my hon. and learned Friend will go himself and open the door to him. Indeed, he carried this curious theory of keeping men waiting for their rights, so far that he seemed actually to justify the course taken by the Protestants of this country in shutting out so long his own fellow-religionists from this House. But how can that which is wrong now become right six or seven years hence? There have been, throughout this debate, two questions constantly cropping up of very unequal significance

are advertising Mr. Bradlaugh and his doctrines over the country and over the world. They have raised him to a pinnacle if not of popularity, at least of notoriety, which makes him the observed of all observers. They are enabling him to pose, if such be his ambition, as a hero and a martyr before his own followers. Nay, they have done more. I do not know how other Members have fared. But within the last two or three weeks I have been deluged with pamphlets and papers containing extracts from the writings of Mr. Bradlaugh and his associates—the most offensive the compilers could find—and very offensive some of them are. And these are, I suppose, scattered broadcast through the country; and thus hon. Gentlemen opposite, most unwittingly and unintentionally, I am sure, but practically and in effect, are becoming the agents and missionaries of Mr. Bradlaugh. I am told there is a great rush of demand for his publications, and I am quite certain of this, that there is no town or city in this country in which, if Mr. Bradlaugh were announced to speak, a room would be found large enough to hold the people who would flock to see and hear him. I formerly voted for the Motion of the sitting Member for Northampton, and I shall now vote for the Motion of the Prime Minister without the slightest hesitation, and, in doing so, I am not voting for Mr. Bradlaugh. I am voting for a great principle, for which the Nonconformists have been contending for 200 years; and if that be not the principle for which they have been contending, I do not know what it is—namely, this—that we have no right, as a condition of admitting a man to the enjoyment of his civil and political rights, to take into account his opinions on religion at all. For my part, I should be glad if the whole system of swearing in admitting Members to this House could be dispensed with. To many of us it seems little better than a solemn farce, or rather a farce not at all solemn, but with a painful touch of profanity in it. No man who watched what was going on on the first day of the present Parliament, when hon. Members were crowding and squeezing around the Table laid out in the centre of the House, and scrambling for the New Testaments that were scattered upon it, amid jokes and good-humoured merriment—no man, I say,

Mr. Richard

could have watched that scene and believed that what we were doing had anything about it of the solemnity of a religious act. I disclaim utterly the idea of serving the cause of Christianity by any amount of swearing. I think I have more faith in the vitality of the Christian religion than some hon. Gentlemen opposite. I believe its existence and prevalence in the world do not depend much upon anything that Courts or Parliaments or Governments might do or abstain from doing. If we look back to its past history we shall find that its earliest and noblest triumphs were achieved when it had all the Courts and Governments and Parliaments of the world against it. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), in the very able and effective speech he delivered early in these discussions, said, referring to the Book which is the instrument of the Oath, that he hoped it is a Book we all revere. Well, I hope so too. But I venture to suggest to him and other hon. Gentlemen that there is a better way of showing our reverence to that Book than by kissing its binding, and that is by giving heed in our national life to its principles and precepts. We are told that we ought to maintain our character as a Christian nation. But how can we become, or how can we remain, a Christian nation? Not by putting Christianity into an Act of Parliament. Not by formal acts of homage as a part of a public pageant. No! but by imbuing the national sentiment with a Christian spirit, by fashioning our public policy in accordance with Christian principles. What is the value of a formal acknowledgment made by the lip, or by certain acts of pompous ceremony, when all that may co-exist with a policy which is in utter contempt of the essential principles of that very religion to which this elaborate outward reverence is rendered, with unequal and oppressive laws, with unjust wars, with restless and reckless aggression on the rights and territories of other nations, with a policy of ambition, selfishness and greed? If we would be a Christian Legislature, let us guide our deliberations by a Christian spirit, and fashion our policy according to a Christian standard, and by such means we shall do more to deserve and secure for ourselves that character than by all the oaths ever

invented and imposed upon the unwilling consciences of mankind.

SIR H. DRUMMOND WOLFF (who spoke amid much and continued interruption) said, that he had never lavished anathemas upon the hon. Member for Northampton (Mr. Bradlaugh), and that he had confined himself exclusively to the legal question as to whether the hon. Member was or was not entitled to take the Oath. His own opinion was that the difficulties in which the House was involved were entirely owing to the right hon. Gentleman at the head of the Government, who had been endeavouring from the first to evade the responsibility of his position and to throw it upon others. At the outset of the proceedings the right hon. Gentleman was not in the House; but his Delegate moved that a Committee should be appointed to consider the question of Mr. Bradlaugh's right to affirm. That Committee decided against him, and when the hon. Member presented himself at the Table for the purpose of taking the Oath, he (Sir H. Drummond Wolff) had deemed it his duty to object to his doing so. The right hon. Gentleman then again shifted the responsibility to the shoulders of another Committee, and when the Report of that Committee was presented, the right hon. Gentleman allowed the sitting Member for Northampton (Mr. Labouchere) to take the matter into his own hands. Later on the right hon. Gentleman again abdicated his functions as Leader of the House. In the Resolution he now brought forward the right hon. Gentleman did not even venture to affirm any doctrine, but attempted to shift the responsibility of his position upon some one on this side of the House—to some common informer—who was to be left to assert the privileges of Parliament, because the right hon. Gentleman evaded the responsibility of his position. [*Uproar.*] He should insist on his right to be heard. ["Oh!"] He should not be put down by clamour. The Prime Minister would allow the Member for Northampton to affirm with the collusion of the House; but if he were to be allowed to do so, he could not speak or vote in the House without having a millstone round his neck; for his every act would be illegal, and he might be subjected to great and grievous penalties. He (Sir H. Drummond Wolff) was perfectly ready to submit to the verdict of the country on the subject, because he was satisfied that the

views which he held on this question were the views of the mass of the people of this country. He was convinced the Prime Minister was running with the hare and hunting with the hounds. In the past when any question of the admission of a Member arose, the case was decided either by a Committee or by legislation; but the Prime Minister would not follow either of these precedents. He would allow Mr. Bradlaugh to affirm, though two Committees had decided against him. ["No, no!"] He ought either to have accepted the decisions of the Committees, or have brought in a Bill to allow Atheists to sit in Parliament.

MR. M'COAN said, at the commencement of the debate, he had no intention of taking any part in it, and, as a new Member, he should not long detain the House. He respected and admired the courage and honesty of the Member for Cork City (Mr. Parnell), whose speech he had listened to with pleasure; but he did not think his views would be popular in Ireland. ["Oh, oh!"] In saying that, he spoke as being himself a Protestant Member, representing a county of considerable size. He was intimately acquainted with the feelings of the North and the East of Ireland, and the opinion of Ireland, he believed, would be against the Resolution. ["No!"] He regretted that the subject had been turned into a question of mere *Nisi Prius*. They had had too much of legal argument, and he, therefore, eliminated that element altogether, and came to what seemed to him the real question. The issue before the House was clear—whether the doors of that Christian Legislature should be thrown open and Atheism invited to come in. The particular issue, indeed, was even more than that. It was not simply Atheism, but Atheism in its most revolting form, in the person, teaching, and character of the Member for Northampton. He had no wish to indulge in rhetorical abuse; but nowhere could there be found a more offensive representative of Atheism than Mr. Bradlaugh. ["Oh, oh!"]

MR. SPEAKER reminded the hon. Member that he should be guarded in his language. The person to whom he was alluding was a Member of that House, and should not be referred to in such a manner.

MR. M'COAN said, he bowed to the ruling of the Chair, and would withdraw

the expression complained of. The question was not whether the Legislature should be un-Christianized, but whether the highest element of authority should be eliminated from it, and it should cease to be a Legislature fitting to rule a Christian country. In connection with the question, he could not help complaining that many false analogies had been raised on the opposite side of the House. The position of Mr. Bradlaugh had been likened to the former position of Roman Catholics, Jews, and Quakers; but he saw no analogy whatever between the cases, because the present was not properly a religious question at all. Having listened to the speech of the hon. Member for Merthyr Tydvil (Mr. Richard), who spoke as a Nonconformist, he (Mr. M'Coan) must say that he failed to recognize in it the Nonconformity of which he had any knowledge; and it was inconceivable to him how a Gentleman of the hon. Member's antecedents could express the opinions he had done, for they seemed to him nothing more nor less than an attempted palliation of Atheism. He concluded by asking whether any constituency, be it that of Northampton or any other, had the right to foist upon the House of Commons a person against whom their highest instincts revolted?

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he believed the course suggested by the Resolution of the right. hon. Gentleman (Mr. Gladstone) was the course best adapted for relieving the House from the position of serious embarrassment in which they found themselves. He did not think there could be any doubt that, as a result of the vote given a week ago, the House was placed in a position of great embarrassment. ["No, no!"] Some hon. Members opposite seemed to dissent from that view. All he could say was, that they did not seem to have any Representatives in the Press of this country, or anywhere outside the House. Article upon article had been published by journalists of every shade of politics, commenting upon the difficulty of the position in which the House was placed. He was astonished that any persons who remembered the scene that took place last Wednesday week should represent that the House was not embarrassed in consequence of the vote to which he had referred. The right hon. Gentleman opposite (Sir Stafford Northcote) had moved that Mr. Bradlaugh be committed

to custody, and next evening had moved for his release; but what suggestion had he given for relieving the House from the danger of a repetition of such scenes as had been witnessed? He wanted to know what remedy the right hon. Gentleman would suggest? Supposing Mr. Bradlaugh had presented himself at the Table on the night after his release, what course would the right hon. Member opposite have advocated? Would Mr. Bradlaugh have been committed to the custody of the Serjeant at Arms for the remainder of the Session? ["Hear, hear!"] Some hon. Members said "Hear, hear!" but he doubted very much whether that course would have been really expedient and calculated to further the interests of the House. What was the situation? The hon. Member for Northampton (Mr. Bradlaugh) having been elected by the constituency, and being willing to adopt either of the courses which the statute prescribed, the House refused him permission to do so, and thus refused to let him take his seat. Did hon. Members, then, suppose that it was probable that Mr. Bradlaugh would remain tranquilly content with that state of things? Did they think it probable that the constituency of Northampton would be content with that state of things? The constituency had elected Mr. Bradlaugh to represent, not their religious views, but their politics; and they had not elected him in consequence of his own religious views. According to the hon. and learned Member for Meath (Mr. A. M. Sullivan), it was in the highest degree to be deprecated that they should allow a class of any appreciable extent to be unrepresented. But it seemed to be of no importance whatever to him if they prevented a constituency from being represented by the Member of its choice. The constituency of Northampton had chosen their Member, and if the law did not deny him the right of representing them, it was an injustice both to the constituency and to the man whom they had elected to keep him out of the House. It had been said that the question had been settled by the decision of a Committee. It, however, was never sent to a Committee for decision. When the Committee was moved for, the hon. and learned Member for Launceston (Sir Hardinge Giffard) insisted that the decision of the Committee could not bind the House, and appealed to him (the Solicitor General)

Mr. M'Coan

to say whether it was intended that it should bind the House, and obtained from him an acknowledgment on behalf of the Government that it would not do so. All that the question was sent to the Committee for was in order that they might assist the House with their opinion. The Committee were almost equally divided. All that they did was to express their opinion, and that opinion was one of a most doubtful and doubting character; and he asked the House to bear this in mind, that if the minority of the Committee were right—and hon. Gentlemen opposite would allow that that was at least possible—then Mr. Bradlaugh was now, by the law, as it at present stood, legally entitled to sit in that House, and was kept out and prevented from taking his seat in violation of his legal right given to him by the statute law. If that were so, ought he to be deprived of that right because of the view which some of them took of his religious opinions? However much they might dislike Mr. Bradlaugh's opinions, it would be a violation of their duty to prevent him from having his legal rights. Some hon. Gentlemen had urged them to admit no Atheist, but to bar the door against him, unless he knocked very loudly, and then, perhaps, they would open it to him. ["No, no!"] But whether Mr. Bradlaugh was an Atheist or not was entirely beside the question if he had a legal right to sit in that House. He trusted that no hon. Members opposite would again contend that because they hated Mr. Bradlaugh's Atheism, he was to be deprived of any legal right he had. Well, the law, at any rate, was very doubtful. Some thought it was one way, others that it was another. What, then, was to be done? Did hon. Gentlemen really think that in a doubtful question of the construction of a statute, on which a man's legal rights depended, that House, after a heated religious discussion, was the best tribunal to decide the matter by a vote? It was profoundly important that they should do that which was just, but it was almost equally important that they should seem to do it. If they led men to think that they had not done that which was just, but had been actuated to do injustice by passion and prejudice, they would excite in the minds of public, who did not love more than they did the opinions of Mr. Bradlaugh, a feeling that he had suffered

wrong; they would arouse a sentiment of sympathy for him, and induce people to feel a certain leaning towards him, and to desire his success. They would, in fact, be playing his game and extending his power and influence, because, if there was one thing more deeply rooted than another in the breasts of the people, it was a love of justice, a love of fair play, and a desire that every man, however obnoxious his opinions might be to others, might have no less than justice done to him. Did hon. Members think that the mass of the people would imagine that justice had been done when there was a doubt as to the legal right of a man to sit in that House, and the House by its own vote irrevocably and without appeal determined against that right, after hearing arguments addressed to its passions and its prejudices in a heated debate? The Resolution of the Prime Minister pointed out how complete justice might be done, and people be at the same time convinced that justice had been done. It proposed to give to Mr. Bradlaugh no more than his strict legal rights. But, on the other hand, if they refused to pass this Resolution, they might be depriving Mr. Bradlaugh of his legal and statutory rights. If he were allowed to affirm, and the law turned out to be what hon. Members opposite said it was, he would subject himself to a penalty, and his seat would be vacated. Legislation by Resolution had been spoken of; but that House could not legislate by Resolution, and, therefore, if they passed this Resolution, it would not give to Mr. Bradlaugh, in the eye of the law, one single right which he had not before, but it would enable him, if he had a right, to keep his seat, and if he had not a right to lose it, in due course of law. It had been said that to pass this Resolution would be contrary, in some way or other, to the dignity of the House. He was wholly unable to follow that reasoning. He believed there could be no false dignity than for the House to assume that they were the best tribunal to decide a question of law—the best body to perform functions eminently unfit for a Legislature. He denied that it was any breach of the dignity of the House to suggest that the construction of a very difficult and doubtful point of law, which the House had warmly discussed, should be referred to a legal

tribunal. A doubt had been suggested whether a Court of Law could decide this question. He was unable to understand how such a doubt existed. He asserted with the utmost confidence that if Mr. Bradlaugh were sued for penalties, no Resolution of that House could for a moment stand in the way of those proceedings. It was said—"Once get Mr. Bradlaugh into the House, and no one will sue him for penalties." Those who said so must have very little confidence in their view of the law. Did they really believe that no one would speculate upon their law, with £500 as a prize? It was said that it was an indignity to ask Mr. Bradlaugh to come and make an Affirmation, and leave him afterwards to be sued for it. This Resolution did not invite Mr. Bradlaugh; he wished to come and make an Affirmation. All that the Resolution said was—"If Mr. Bradlaugh comes here to affirm, this House will no longer stand in his way." Hon. Gentlemen opposite suggested that there should be legislation on this subject. Was that suggestion seriously made? If a Bill were introduced would they support it? If they would not, then the suggestion was made not for the purpose of getting the House out of a difficulty, but with the benevolent intention of getting the Government into one. With one breath hon. Members opposite implored them to shut the door against Mr. Bradlaugh; with the next they said—"You ought to legislate." He might be forgiven, then, if he doubted the sincerity of some of the observations which had come from the Opposition. They were marked by want of sincerity and of straightforwardness, and were made rather with the view of embarrassing the Government than of relieving the House from the difficult position in which it was placed. Did hon. Gentlemen mean that if a Bill was introduced to admit Mr. Bradlaugh, they would support it? ["No, no!"] It had been said that if the Government would bring in a Bill on the subject, it would meet no factious opposition; but that meant that it would be opposed, possibly at every stage. He was convinced that such a measure would be opposed to an extent that would prevent the Government from carrying any other of their measures. [*Laughter.*] He understood the meaning of that laugh, and he now understood better than ever why hon.

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Members opposite desired that the Government should introduce such a Bill. What was to be gained by a prolongation of this controversy? The course proposed by the Prime Minister would relieve the House from a great difficulty, and would relegate the question to the calm atmosphere of the Courts of Law. The Government were actuated by a desire to do what was right, wise, and prudent in this matter. He therefore trusted that the House would yet exhibit not only dignity in its proceedings, but practical wisdom and good sense, by adopting the proposal of the Government.

SIR R. ASSHETON CROSS said, that several hours ago the right hon. Gentleman the Prime Minister had recommended that this debate should be conducted in a calm and judicial spirit; and, for his part, he hoped that the speech to which they had just listened would not lead them to forget that recommendation. He hoped, also, that the House would come to the conclusion that nothing would be gained by the prolongation of this discussion. Whichever side of the House was right or wrong, they clearly understood the question at issue. He should not have felt it necessary to make the observations that he now felt it his duty to make, had it not been for one or two sentences which fell from the right hon. Gentleman the Prime Minister at the opening of the discussion. In his opinion, the question whether the House had anything to do with the case of a Member who came up to the Table in the ordinary way and asked to be sworn, did not enter at all into the subject before them. They were not discussing the question of the inquisitorial power of the House, though the second Committee had distinctly stated that the House had no power to interfere in such cases. They had declared that the House had no power to put any question to a Member coming up to be sworn, if he did not make any statement of his own. He did not wish to use the word in an offensive sense; but he could not help saying that Mr. Bradlaugh had flaunted or paraded his opinions upon the House, and he was sure that that was a statement which nobody could deny. He was sorry to say, however, that no less an authority than the right hon. Gentleman the Prime Minister had denied the accuracy of that

statement. It was, at all events, beyond doubt that Mr. Bradlaugh came to the Table with the avowed purpose of stating there that he was an Atheist. Mr. Bradlaugh, wishing to test the question, acted in such a way as to practically place before the House the fact that he was an avowed Atheist. He desired to state the matter as clearly as possible. Mr. Bradlaugh said—"I am an avowed Atheist, and, as such, I believe it is my right to affirm, and I claim my right." That was what Mr. Bradlaugh stated when he first came to the Table. But for the observation of the right hon. Gentleman the Prime Minister, he (Sir R. Assheton Cross) should not have troubled the House with any remarks upon this part of the case. It was suggested by him that Mr. Bradlaugh had not assumed that attitude. Why? Because the right hon. Gentleman said that Mr. Bradlaugh did not state this until he was asked a question by the Clerk at the Table. That, however, was what he should call special pleading. The right hon. Gentleman apparently forgot that, after the letter which was written by Mr. Bradlaugh to the Speaker, the Clerk at the Table was bound to ask him under what statute he claimed to affirm. This was not done in an inquisitorial manner. It was the consequence of Mr. Bradlaugh's own act. It was only just to Mr. Bradlaugh to say that he came up as of right, and for the purpose of trying the question; and he (Sir R. Assheton Cross) found no fault with him in consequence of his claiming to affirm under that particular statute. It must not be supposed, therefore, that they were even suggesting that the House had any right to make an inquiry of its own if a Member presented himself to take the Oath without bringing to the Notice of the House such matters as Mr. Bradlaugh had referred to. This matter had been carefully inquired into by Select Committees, and the universal opinion of those Committees, in which the Law Officers of the Government joined, was that Mr. Bradlaugh claimed to affirm in consequence of having been allowed to make affirmation in a Court of Justice, and that he thereby stated that he had proved, to the satisfaction of the presiding Judge, that he was an Atheist. The next point upon which he wished the House to be clear was this—that this was no interference with the choice of any consti-

tuency. He thought he could prove, to the satisfaction of the House, that there was no such interference. No one wanted to interfere with the rights of any constituency; but a constituency was bound to elect only such persons as they were, by law, entitled to elect. For instance, a constituency could not persevere in returning a convict, a clergyman, or a public officer who was debarred from sitting in Parliament, because the statute limited the choice of the constituency, and excluded those persons. It was likewise provided by statute that no person could take his seat in the House of Commons, although he might have been elected, unless he took the Oath of Allegiance, except in those particular cases in which for conscience sake the Legislature had allowed him to affirm. Therefore, they must dismiss altogether from their minds the idea that the House was by any Resolution of its own attempting to interfere with the choice of a constituency. A constituency might elect whom it would, provided that the person was one of those not debarred by statute from sitting in Parliament, and provided that he made the Oath or Affirmation according to law. The only question, therefore, was whether the person who had been elected for Northampton could take the Oath or make the Affirmation which the statute required. There was another question upon which there should be no doubt in their minds. They were not then discussing, unfortunately, perhaps, the Bill which he held in his hand brought in by the sitting Member for Northampton (Mr. Labouchere). A great deal had been said on both sides which would be apposite if they were discussing that Bill. The arguments of the hon. Member for Merthyr Tydvil (Mr. Richard) would, no doubt, apply to that Bill; but they had nothing whatever to do with the question now before the House. The grievances which the hon. Member had mentioned were not relevant to the case, and his whole speech would have been more forcible from his point of view if the House had been discussing the Bill. As things were, however, he did not think that the hon. Member's speech had the least bearing upon the question. The law had made a broad distinction between the Oath and the Affirmation. By the Act 29th Elizabeth, the Oath of Allegiance was, as it were, the formal

part of the Oath; the essential part of it being the appeal to the Supreme Being to witness the keeping of the promise. What was an affirmation? It was a personal promise on the faith and honour of a human being—at all events, he did not employ the appeal to the Supreme Being, unless, indeed, that appeal was included in the adverb “solemnly.” The Legislature having made that distinction, it seemed to him (Sir R. Assheton Cross) to strike some hon. Gentlemen in a peculiar way. He would take the right hon. Gentleman the Member for Birmingham’s (Mr. John Bright’s) arguments, both in the Committee and in that House. The right hon. Gentleman asked what difference there could be between the Oath and the Affirmation, if both were equally binding on the conscience, and had urged, if that was the case, the hon. Member in question should be allowed either to take the Oath, or, if he preferred it, to make the Affirmation. All he (Sir R. Assheton Cross) could say was, that that course was not in accordance with the law. If it were desired to alter the law, it would be necessary to discuss the Bill of the sitting Member for Northampton; but, if not, the law must be taken as they found it. The right hon. Member for Birmingham was not entitled to take the law as he would wish it to be. The right hon. Gentleman the Prime Minister had gone even further during this series of debates. In his first speech the right hon. Gentleman argued very strongly that Mr. Bradlaugh ought to be allowed to take the Oath, and, in doing so, he had completely thrown overboard the opinions of his own Secretary of State, and had placed himself under the banner of the hon. and learned Member for Preston (Sir John Holker). The Committee had, however, settled that question as far as a Committee could settle it, and had decided against allowing Mr. Bradlaugh to take the Oath by a great majority. The evidence of Mr. Bradlaugh showed that there was no appeal to the Supreme Being in his mind. Then the right hon. Gentleman said he would take the other side of the question, and see if the House would allow Mr. Bradlaugh to make the Affirmation. It would have, perhaps, been wiser for the right hon. Gentleman to have made up his mind, in the first instance, as to which side he would take. It was clear that,

Sir R. Assheton Cross

as the law stood, a man could not, according to his own preference, take the Oath, or make the Affirmation, because of the distinct line drawn between the two. If the right. hon. Gentleman would carry his memory back, he would find that he was perfectly willing, in the first instance, to allow the hon. Member for Northampton (Mr. Bradlaugh) to take the Oath without question, and then, when the question was raised by the hon. Member for Portsmouth (Sir H. Drummond Wolf), had said that it was a very serious matter and one that required a judicial tribunal to settle, and that it must be referred to a Select Committee; and now the right hon. Gentleman said that it was, after all, a question of the jurisdiction of the House. That, undoubtedly, had been referred to a Select Committee; and on that particular point the right hon. Gentleman had not only the opinion of his own Law Officers, but the opinion of the Committee, that the Oath taken by Mr. Bradlaugh would be no Oath, and further, that the House had jurisdiction to inquire into the matter. He did not wish to treat this question purely as a legal question; but there was one point which the hon. and learned Gentleman seemed to have forgotten in the course of this discussion—while the Evidence Acts had been under discussion—and that was, that while the Promissory Oaths Act related to the whole of the United Kingdom, the Evidence Acts had reference only to England and Ireland. It was clear, therefore, as the right hon. Gentleman the Member for the University of Cambridge had pointed out, that these Acts were intended simply and solely for the benefit of persons who could not otherwise bring evidence into Courts of Law, and that they had nothing to do with the preliminaries of taking a seat in that House. Let them see the natural consequences of this. The right hon. Gentleman said that they ought to pass this Resolution. Why? It appeared to him that the right hon. Gentleman was bound to adduce the very strongest reasons for passing it, because, a very few days ago, they passed precisely an opposite Resolution. Although he differed from the hon. and learned Member for Chatham (Mr. Gorst) on the point of Order raised by him, still he must say that the precedents showed that it was on the rarest possible occa-

sions, and only under a pressing necessity, that the House would rescind a Resolution it had passed a few days before. What were the grounds upon which the right hon. Gentleman asked the House to rescind the Resolution? He thought they were as peculiar grounds as had ever been presented to the House. The right hon. Gentleman stated that the only object he had in view was to protect the dignity of the House, and to insure decency and order in its proceedings. But were they to turn away from the course they thought right and proper simply because they were threatened that a person would come forward and disturb the proceedings of the House? What would the right hon. Gentleman have done had he led the House in the celebrated Gordon matter? Were they to be frightened by the action of one man, or by the action of mobs? Was the House to change its course, deliberately taken, because it was frightened by some action which one man might take, or because it was frightened by the action of a mob in the streets? That would not be maintaining the order and decency of the House. It would be a question of what was to become of all government. The right hon. Gentleman had talked of precedents; but if they were asked to change their course because they could not maintain decency and order, owing to the improper conduct of one single man, that was a precedent he would never have expected to be recommended by any Minister of the Crown. Talk of dignity and order! He could conceive no greater indignity imposed upon that House, upon the Government—or upon any Government—than to say that because they were frightened they were to change their course. He would have thought the only course to be followed would have been to bring in a Bill to solve the difficulty. The hon. and learned Gentlemen who had just sat down had said that this matter might have been left to be decided by Courts of Law; but he had not shown how the Courts of Law could deal with the question. The hon. and learned Gentleman had stated very properly that no Resolution of the House could affect a decision of the Courts of Law; but if Mr. Bradlaugh were to come in by a Resolution of the House, make an Affirmation, and sign the Roll, would the Court of Law

go behind that Roll to ascertain whether or not he ought to have been sworn? That was a very difficult point. But there was another difficulty which it would be equally difficult for the House to get out of. If the hon. Member for Northampton (Mr. Bradlaugh) took his seat, any single Member might get up to move for the issue of a new Writ on the ground that the seat was vacant, as if the hon. Member were dead, because he had taken the Affirmation improperly. That question might be properly raised not only on one day, but on any day of the Session. The right hon. Gentlemen had said that there were three objections to legislation. He supposed that if there were more the right hon. Gentleman would have mentioned them. The first objection was that they could not discuss the matter in cold blood; but that objection applied precisely with the same force to the Resolution as to any Bill that might be brought forward. Another objection was that legislation on this subject would involve a great sacrifice of other measures. He must say he deeply sympathized with the right hon. Gentleman on the sacrifice of time; but they might depend upon it that, whatever the fate of this Resolution was, it would not settle the question. Legislation must be brought forward, whatever the sacrifice of time. Then came the third reason—namely, the dignity and decency of the House. “Was there the smallest security,” said the right hon. Gentleman, “that the hon. Member for Northampton would not, day by day during the passing of the Bill, come forward and occasion such scenes as occurred on Wednesday week?” Timidity again! Twice over in the same speech the same point was pressed. He hoped they would hear no more of such arguments. If this Resolution were passed, the real effect of it would be as suggested by the hon. and learned Gentleman the Solicitor General, to say to Mr. Bradlaugh, “You may come and take the Affirmation at your own peril, and we will shut our eyes.” He said that was cowardly and unfair towards Mr. Bradlaugh, and it was a solution of the question which would inevitably bring the House of Commons into conflict with the Courts of Law. If, on the other hand, the effect of the Resolution was to protect Mr. Bradlaugh from an action for penal-

ties, or from a Motion of any Member of the House that his seat was vacant, for that was the statutory right of the House, then he (Sir R. Assheton Cross) said that, by a Resolution of the House, they were endeavouring to do away with the Statute Law of the country. He hoped that the House would be cautious not to follow the right hon. Gentleman in that matter. He had led the House in the same way on former occasions. It was by the same kind of action that he had passed the Army Warrant, and it was by a similar course of proceeding that he had filled up the Ewelme Rectory. These were arbitrary acts, done by the Prerogative of the Crown, on the advice of the Prime Minister, and not by the action of the House of Commons. If this Resolution was to have any practical effect, it would be placing the act of the House of Commons above that of the other branches of the Legislature. Was the Prime Minister quite sure that he was gaining his object? Was he in the confidence of Mr. Bradlaugh or not? What did he offer to Mr. Bradlaugh?—"If you choose to come to the Table, and say, 'I want to make an Affirmation,' we will shut our eyes, and let you affirm." But the last action of Mr. Bradlaugh was to inform Mr. Speaker that he no longer wished to affirm. What he now said was that he wanted to take the Oath, and he insisted on that as his right, and he asked the Prime Minister what he should do? What would then become of the dignity of the House? What would become of the decency and the order of their proceedings, if, tomorrow, Mr. Bradlaugh came down and said he desired to take the Oath? Were they going to shut their eyes while they had a repetition of former scenes. So far as this Resolution went it would not get them out of the difficulty. This question would require legislation. At the present moment he admitted that legislation would be almost impossible. He agreed that it would take a long time; but it was not necessary to legislate this Session, or in a hurry. Legislation might be very good in itself, but it might be inopportune. They could have no stronger instance of inopportune legislation than that of the salutary law for preventing conspiracies to murder. It was, in the first instance, brought forward by one of the strongest and most

popular Prime Ministers, and it had, when passed some years afterwards, worked great good; but it cost the Prime Minister loss of Office, because the country thought it was brought forward at the dictation of a foreign Power. If the right hon. Gentleman brought forward a Bill now, it would be felt in the House of Commons, and in the country, that he was doing it to let in an Atheist, and it was, therefore, not an opportune time to legislate. If in the course of time there were a class of persons who objected to take the Oath, and it were proposed to legislate *alio intuitu*, it might be fairly discussed; but let them take care, whether they proceeded by Resolution or by legislation, that they were not supposed by the country to be doing it for the purpose of letting in an Atheist, or because they were not strong enough to lay aside their timidity, or doubted their ability for preserving the dignity of the House and the order and decency of its proceedings.

MR. O'DONNELL said, the observations he was about to make were in no way calculated unnecessarily to prolong the discussion. He ventured to think, however, that from the action which he had taken on former stages of the question then before the House, and from the remarks which had in many quarters been passed upon that action, he had some claim briefly to explain himself. He did not propose to go into any lengthy argumentative statement. In his opinion, the speech to which they had just listened had completely disposed of the legal position on which the Government, to his regret, had rested their case. At the same time, he was bound to say that he opposed the Resolution of the Government because it was an open attempt to substitute legislation by convention for legislation by Parliament. It was as distinctly a revolutionary procedure as could be carried through in any simple House, without any division into estates of the Realm, upon which the institutions of this country were founded. He would not stop to consider whether that revolutionary procedure deserved the applause of hon. Gentlemen opposite. The proceeding dictated by the Government deprived hon. Members of all their right of examining this question at due length, and of properly consulting the opinion of the country on that most grave and fundamental alteration. The humblest

Sir R. Assheton Cross

and most insignificant Bill upon the most trivial subject would necessarily have more opportunity for the full discussion of the petty details which it involved, than had been afforded to the House, and, above all, to the country at large, by the manner in which the Government had chosen to deal with this Resolution. It was objected against the opponents of the Resolution that they had endeavoured to punish a man for his speculative opinions, that they had endeavoured to turn cheap speculative Atheism out of the House. The manner in which the House had been forced to consider the sort of side issue presented to them prevented them from examining whether or not it was true that they were trying to keep out speculative Atheism, or whether speculative Atheism ought to be kept out or not. He ventured to say that it was at least open to question whether such Atheism as this was speculative — "Christianity is an eating cancer." He was not going even to answer the question which he had raised; but he thought it right to put it before hon. Members opposite who had accused the opponents of the Government proposal of intolerance of opinion. He altogether declined to approach the consideration of the subject from any Party stand-point; but ventured to appeal alike to Dissenters, who held in reverence, as all did, the pure zeal of Wesley and Whitfield, and to members of the Church of England, the history of whose Church contained so many names of men whom the members of his (Mr. O'Donnell's) own Church honoured as defenders of Christianity. Was it speculative Atheism to teach that Christianity was an eating cancer, poisoning the whole life-blood of the world; that it was blasphemy against humanity? Was it speculative Atheism to teach that Christianity was a natural production like typhus fever? Was it speculative Atheism to teach that Christ's mission was a sham, and that Christ himself was a coward and a craven, and that the atonement stamped God as an inhuman monster, and a foul and bloody-minded being? [*Murmurs.*] He took those sounds from the opposite Benches to be expressive of horror at the sentiments expressed by Mr. Bradlaugh. If, then, such grave matters were involved as were included in the question which he had asked, he held it to be the duty of the Government to a Christian people

to offer them every opportunity for examining whether or not it was mild speculative Atheism which was being attempted to be brought into the House, or whether it was an active and corrupting Atheism disseminating the seeds of the worst principles amongst the people. It might be that both speculative Atheism and practical Atheism were entitled to entrance into the Legislature; but he held that Her Majesty's Government—whether the Cabinet were Liberal or Conservative—were bound to give full opportunity for considering the question whether or not men who claimed to be merely animals—he could use a grosser word, and one that would be much more applicable—had a right to sit in legislation over a Christian community recognizing moral responsibilities. He complained that it was not the Bradlaugh question or the Northampton question which was before the House. He complained that it was a question relating to the justly-honoured Head of Her Majesty's Government. It was the impulsive and generous action of that man, himself religious, most widely revered and honoured—by no one more than himself (Mr. O'Donnell)—that distinguished statesman, which had made the question what it was. The whole action of the right hon. Gentleman, doubtless proceeding from conscientious motives, had been calculated to stir up every possible opposition throughout the country to the solemn decision of the House of Commons; and it must be remembered that the solemn decision referred to had not been arrived at under any pressure of Party terrors. No threat had been held out to Members on that occasion to vote under pain of Dissolution. It had been the distinguishing feature of the former debate that there was perfect freedom in the formation of the opinion at which the House arrived. He was afraid they could not conceal from themselves that since the House had expressed itself deliberately and freely, an element of dictatorship, so far as dictatorship could exist there, had been introduced into the House. Whether that dictatorship was founded on the esteem and reverence for the eminent man who exercised it was quite beside the question. The vast influence of that statesman, and all the forces of his Government, had been thrown into the scale, in order to obtain the virtual rescinding

of a Resolution passed by the free and unconstrained judgment of that House. If they looked to the public outside, was there a man, through the length and breadth of the country, who would for a moment weigh in the balance, and judge to be of equal weight, the unconstrained votes of the other day, and the constrained vote which the Government sought to wring by their Party majority that evening? He claimed to know something of the workings of public opinion among various classes in the country. He had had to deal with Englishmen in many towns, and of many classes of society, in the course of several years; and on many occasions, he believed, he had gone as near to a just estimate of public opinion in this country as some of his Colleagues. He paused, for a moment, to suggest to hon. Members that if they wished to add weight to the decision they were about to come to, they would do well not to suppress the opinions of a Colleague who never flinched from openly expressing his views. He strongly protested against the idea and assertion that there was any agitation in the country in favour of the course which the Government had adopted worthy to be taken into the consideration of that House. The people of England had not spoken. It was only the wire-pullers who had done so. The word had gone out from the central officers, and all the local officers had taken up the cry. The more respected leaders of the working classes entertained no manner of doubt as to the real character of the issue which the elect of Northampton had sought to force upon the House, but which could never have been put forward without the assistance of hon. Gentlemen. There was no leader of the working classes in England more widely respected than George J. Holyoake. In mentioning his name, he mentioned one who had worked in the cause of the working man's emancipation, and was the sympathetic historian of the co-operative movement—a man for whose declining years his fellows, the working classes, had raised a sum sufficient to provide him with a pension. Mr. Holyoake had, then, expressed his opinions, which, as a representative of the working classes, had the greatest weight—

"The reason why the elect of Northampton did not seek to affirm, and did not seek to swear,

Mr. O'Donnell

right away, without forcing his peculiar opinions on the House, and endeavouring to make us accomplices in these opinions, was that there would have been no scene, and no Bradlaugh Committee, and no discussion in which the constituency of Northampton would have been engaged with regard to the personal opinions which the Members might hold. If any Members of the House had raised an objection to Mr. Bradlaugh making an Affirmation, the country would have been with him, as a person who was being persecuted for his opinions. But when he challenged the opinion of the House to his views, he provoked discussion upon them."

Again, Mr. Holyoake said—

"I agree that when Mr. Bradlaugh proposed taking the Oath he was justified in giving the House the information. He was, so far, acting honourably; but he must have known that it was impossible for the House to allow him to take the Oath; that would be to make the whole thing into a farce, and convert the House into a company of spectators to witness it. How could he stand up, and utter the closing words and kiss the Bible in the presence of hundreds of English gentlemen who have a regard for self-respect? The House would never forget a scene like this, and there were many gentlemen in the House, although their actions might not always be of the most creditable character."

Such was the speech of a man whose name would be honoured by the working classes of the country long after the names of the wire-pullers who had climbed up on their shoulders had been forgotten. Mr. Holyoake went on to say—

"Mr. Bradlaugh lost prestige in the House as soon as he proposed to take the Oath. An oath, and the formal 'So help me, God,' means nothing to him. He has always protested against it; and yet, now finding that it stands in his way, he offers to swallow it."

The opinion thus expressed was certainly not that of a Conservative working man, or of a warm defender of the Church of England; but of a man who deserved to be called the representative leader of the working classes. The Prime Minister had declared the other day that nothing could be interposed between Mr. Bradlaugh and the Oath; but he was not quite sure that Affirmation was the correct way to approach the question. The proposal of the right hon. Gentleman had been marked with vacillation and indecision; and the distinguishing mark of his policy had been an attempt which the hon. and learned Gentleman the Solicitor General (Sir Farrer Herschell) described as actuated by prudence, and which had been characterized on that side of the House as actuated by cowardice. But, whether or not that

was so, his policy had been to keep the main and particular issues from the consideration of the Chamber. Leaving aside altogether the argumentative questions, which had been sufficiently discussed and made quite clear to the mind of the House, he (Mr. O'Donnell) ventured to add a few words of what might be called a personal explanation. He had been in a special manner singled out as a bigot by the supporters of the Government proposals. The leading organs of the Government had gone so far as to describe him as a bigot of the Spanish type. But he desired to state that he was not actuated by any sectarian considerations as a Catholic in the action which he had taken. Had he acted as a sectarian Catholic, he would have been carrying out the policy of the Church of Rome, and as it were the narrow policy which some hon. Members inaugurated, by supporting the proposal to destroy the Christian character of the Parliament of Protestant England. But, believing as he, and as multitudes outside the House did, that they were on the very verge of the blackest act of public apostasy, had he been a mere narrow Catholic he might well have contented himself with taunting the supporters of such a proposal by telling them to go to their meetings for the propagation of the Gospel, to assemble in their May Meetings and denounce the corruptions of Rome. He might have said that, as a Catholic, he could not regret the course adopted by the Government of that great Protestant England, whose Missions trod so closely upon the Missions of the Catholic Church throughout the world; and he could have warned them that no long time would be allowed to elapse before the most distant tribes and people learned that a deliberate vote of the House of Commons had erased England from the list of Christian Kingdoms. But he had been actuated by no Catholic sectarianism, if such a word were applicable. He had preferred to act legally with his Colleagues of every faith, and had chosen, and still chose, to raise and reap whatever odium might be thrown upon him for his action in this matter. He believed no one could more bitterly regret than the Prime Minister the conclusion to which he was forcing the House. As for the particular individual sought to be introduced, he sank into insignificance compared with the vast-

ness of the principle involved. But if the Resolution of the Government were passed, England would be stripped of every right to be considered a Christian country, and the little seed that was sown to-day would be found to attain to vast proportions before many years had passed away.

MR. HUSSEY VIVIAN said, that he had no intention of trespassing long upon the time of the House at that hour. But he had risen on four or five occasions in the course of the debate, and had not been fortunate enough to catch the eye of Mr. Speaker. His reason for rising was that many hon. Members, who thought as he did, had requested him to state their views upon this matter. The question upon which they were going to vote was widely different from that upon which they had voted before. This Resolution affirmed a broad and sound principle—it affirmed that the House had no right to put any question to any Member desirous of taking the Oath or Affirmation, in regard to his religious opinions, and upon that broad principle he should record his vote in favour of the Resolution. That was a broad principle widely differing from anything which was included in the narrow and miserable Resolution upon which they were called on to vote the other night. If that Resolution had been passed, they would have resolved that Mr. Bradlaugh had a right to affirm. He should be very sorry indeed to have voted for a Resolution which was personal to Mr. Bradlaugh and sanctioned his right to affirm. Of course, he admitted that this Resolution included Mr. Bradlaugh; but it was a broad and general Resolution, and laid down the principle that the House had no right to question any hon. Member upon his religious belief. In the House there was no presiding Judge as in the Courts of Law. Mr. Speaker was not in the position of presiding Judge, and the Clerk at the Table was the servant of the House. The presiding Judge in the case of the House was the conscience of every hon. Member who came to the Table to take the Oath. If any man came to that Table to take the Oath improperly, he rightly subjected himself to the pains and penalties which followed if he were prosecuted and proved guilty. While approving of the Resolution, he could not agree with the right

hon. Gentleman the Prime Minister that there was no danger of the Order of the House being disturbed. His impression was that the House was quite strong enough to preserve its own Order. With reference to the remarks of the hon. Member who had last spoken (Mr. O'Donnell), he (Mr. Hussey Vivian) could state that no pressure direct or indirect had been brought to bear upon him. Did hon. Members opposite doubt what he said? He most distinctly stated that no pressure had been brought to bear upon him. He entirely agreed with what had fallen from the right hon. Gentleman the late Secretary of State for the Home Department, that legislation must follow upon this subject. The other day he gave Notice of a Motion that the Oath should be repealed, and that hon. Members should make one common Affirmation. The right hon. Gentleman the Prime Minister had stated that legislation of this kind at the present moment was impossible. They must, therefore, deal with the question as it now stood, and upon the broad principle that the House had no right to ask any man questions as to his religious belief.

GENERAL BURNABY: It has been asked what the State has to do with religion, and why should it interfere with the direction of men's consciences? The State has no concern with religion where religion has no concern with the State. But are we, in the laws and customs of this religious country, to exclude all consideration of religion; are we, the trustees for the time being of this august Assembly, to suffer God to be blasphemed by a blasphemer, and to call in the assistance of an avowed Atheist to maintain and frame laws for believers in a Supreme Being? The voice of this Assembly has already decided this important issue, and I have heard no fresh arguments adduced within the House to alter that decision; whilst, outside it, I read and hear of numbers without end who support that decision and regard with horror the idea of proposing to rescind it. It so happens that, under the Administration of Lord Palmerston, I was employed on special service in Syria for the purpose of bringing justice to Christian, Druse, Jew, and Greek; and, in the fulfilment of those duties, I was naturally brought amongst religious communities, and

Mr. Hussey Vivian

have since mixed freely among those of my own country, a circumstance which led me to obtain opinions from various religious authorities upon the matter at issue. An eminent Moravian has written to me, to say that—

“The action being taken to introduce an avowed Atheist into the House of Commons has not his sanction or approval.”

The Bishop of London writes to say, that—

“He could not give any sanction to the attempt to force an avowed Atheist upon Parliament.”

I was also desirous to obtain the opinion of Bishops of the Roman Catholic Church in Ireland, and therefore appealed to several. The Bishop of Ossory says that—“The people of Ireland are quite indignant at the attempt to instal Atheism in Parliament;” adding, that it was an old saying that “the man that is not true to God will not be true to his country.” Next, what did the Bishop of Raphoe say? He stated that—“He had no sympathy with hon. Members who supported Mr. Bradlaugh.”

MR. SPEAKER said, that he desired to point out to hon. and gallant Member that he was not entitled to read his speech.

MR. A. MOORE said, he rose to Order. He wished to ask whether it was not competent for the hon. and gallant Member (General Burnaby) to read extracts from telegrams or letters addressed to him by other persons? The hon. and gallant Member was not reading his speech.

GENERAL BURNABY said, that he had not a single word written down except quotations. He was reading from replies which he had received to letters and telegrams. Therefore, with the permission of Mr. Speaker, he would continue to read some of the replies which he had received. The Bishop of Raphoe went on to say that—

“Mr. Bradlaugh was endeavouring to make his entry into Parliament a protest against God, and that supporting him in that course was to abandon every Catholic principle.”

The Archbishop of Dublin said that the hon. Gentlemen who voted for Mr. Bradlaugh could not be Catholics. The Bishop of Galway was also opposed to the admission of Atheists into Parliament, and said that—

"He utterly reprobated the conduct of hon. Members who attempted to force an avowed Atheist upon Parliament. Such conduct," he added, "was very reprehensible."

The Bishop of Downe and Connor says, that his opinion is—"That some security should be had to preserve the Christian Parliament." The Bishop of Ardagh's opinion is—

"That an Assembly of Christian gentlemen ought to be able to exclude from their body a person objectionable to their sense of religion and decency."

His Holiness the Pope "gives no sanction to such a proceeding." He had also endeavoured to obtain the opinion of an eminent Baptist—Mr. Spurgeon—who, unfortunately, was not at home; but the person fulfilling his duties had written to state he should certainly think that Mr. Spurgeon would be opposed to any attempt to introduce an Atheist into Parliament. The Chief Rabbi said that—

"He did not deem it advisable to interfere in political questions however strongly he felt on the subject."

The Superior of the Greek Orthodox Church said that, as a minister of a Christian Church, "he could not but deeply regret every Atheistical proselytism." Amongst others, a letter which I have received, is one from a Presbyterian, who said—

"I deplore the election of one holding avowed Atheistical opinions, and sympathize so far in that he should not be a Member of the Legislature. But men do not sit there on the ground of their religious or irreligious views; and having already adopted, as I think this country has done, the position that religious belief should not be a condition of Membership, it seems to me the elect of Northampton has a clear constitutional right to his seat."

And he adds his further opinion that—

"The present conflict is not only most unseemly, but is actually such an advertisement of Mr. Bradlaugh in the guise of a martyr, as is really scandalous."

While I agree with the first and the latter portions of this Presbyterian's views, I do not with the other portion, and will contrast it with the words that fell from the lips of the Bishop of Peterborough in his Cathedral on the occasion of the Queen's Accession, his text being, "Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's." His Lordship said—

"The one sentence was the strength of authority, the other was the defence of liberty; and on these words of Christ the claims of peace and order, and, on the other hand, of liberty of religion and worship, had always rested, and must rest, to the very end. They saw of what preciousness religion was to a nation's life, to a life that was peaceful and settled, to a life of righteous and well regulated liberty. They could see and understand, then, what an immense meaning the Oath of Allegiance so frequently administered to Her Majesty's subjects in various capacities possessed, not merely as regarded the authority of the Sovereign, but involving also the liberty and rights of the subject. When a man who was to make the laws of his country took the Book in his hand and promised allegiance to England's Cæsar, he did it in the name of God; and when he said 'So help me God,' he invoked as the witness of the compact between him and his Sovereign the common Judge of both. Alas for our liberty and order, if from the public acts and deeds of the nation we thereby blotted out the recognition of the name of God!"

Sir, I have completed my purpose, and would remind hon. Members of the Prime Minister's words after the House had patiently, in the exercise of its generous indulgence, heard Mr. Bradlaugh, when the hon. Member for Northampton (Mr. Labouchere) moved that the Resolution of the previous day, not to permit Mr. Bradlaugh to make an Affirmation or Declaration instead of the Oath required by law, be rescinded. The right hon. Gentleman then said—"There cannot be the smallest possible hope that the House will rescind the Resolution. If it did, it would be a loss of dignity which he did not desire under the circumstances." I also am of the latter opinion. I believe that by rescinding that Resolution the House would not do the smallest good, but would entail upon itself a loss of dignity and consistency which would be greatly to be deplored in this moral and religious country.

Question put.

The House divided :—Ayes 303; Noes 249: Majority, 54.

AYES.

Acland, Sir T. D.	Arnold, A.
Adam, rt. hon. W. P.	Ashley, hon. E. M.
Agnew, W.	Balfour, Sir G.
Ainsworth, D.	Balfour, J. S.
Allen, H. G.	Barclay, J. W.
Allen, W. S.	Baring, Viscount
Amory, Sir J. H.	Barnes, A.
Anderson, G.	Barran, J.
Armitage, B.	Barry, J.
Armitstead, G.	Bass, A.

Baxter, rt. hon. W. E.	Figerton, Adm. hon. F.	Lawrance, Sir J. C.	Pulley, J.
Beaumont, W. B.	Evans, T. W.	Lawrence, W.	Ralli, P.
Biddulph, M.	Fairbairn, Sir A.	Lawson, Sir W.	Ramsay, Lord
Biggar, J. G.	Farquharson, Dr. R.	Laycock, R.	Ramsden, Sir J.
Bolton, J. C.	Fawcett, rt. hon. H.	Leake, R.	Reed, Sir C.
Borlase, W. C.	Fay, C. J.	Leatham, E. A.	Reed, E. J.
Brand, H. R.	Ferguson, R.	Leatham, W.	Reid, R. T.
Brassey, H. A.	Ffolkes, Sir W. H. B.	Lee, H.	Rendel, S.
Brassey, T.	Finigan, J. L.	Leeman, J. J.	Richard, H.
Brett, R. B.	Firth, J. F. B.	Lefevre, G. J. S.	Richardson, T.
Briggs, W. E.	Fitzwilliam, hn. H. W.	Leigh, hon. G. H. C.	Roberts, J.
Bright, J. (Manchester)	Flower, C.	Litton, E. F.	Robertson, H.
Bright, rt. hon. J.	Foljambe, C. G. S.	Lloyd, M.	Rogers, J. E. T.
Brinton, J.	Foljambe, F. J. S.	Lubbock, Sir J.	Rothchild, Sir N. M. de
Broadhurst, H.	Forster, Sir C.	Lusk, Sir A.	Roundell, C. S.
Brogden, A.	Forster, rt. hon. W. E.	Lymington, Viscount	Russell, G. W. E.
Brown, A. H.	Fort, R.	Macdonald, A.	Russell, Lord A.
Bruce, rt. hon. Lord C.	Fowler, H. H.	Mackie, R. B.	Rylands, P.
Bruce, hon. R. P.	Fowler, W.	Mackintosh, C. F.	St. Aubyn, Sir J.
Bryce, J.	Fry, L.	MacIver, P. S.	Samuelson, B.
Burt, T.	Fry, T.	M'Arthur, A.	Samuelson, H.
Bussard, M. C.	Gladstone, rt. hn. W. E.	M'Arthur, W.	Seely, C. (Nottingham)
Butt, C. P.	Gladstone, H. J.	M'Carthy, J.	Sheridan, H. B.
Buxton, F. W.	Gladstone, W. H.	M'Intyre, Æ. J.	Shield, H.
Caine, W. S.	Glyn, hon. S. C.	M'Laren, C. B. B.	Simon, Serjeant J.
Cameron, C.	Gordon, Sir A.	M'Laren, D.	Slagg, J.
Campbell, Sir G.	Gordon, Lord D.	M'Minnies, J. G.	Smith, E.
Campbell, R. F. F.	Gourley, E. T.	Magniac, C.	Spencer, hon. C. R.
Campbell-Bannerman, H.	Gower, hon. E. F. L.	Maitland, W. F.	Stanley, hon. E. L.
Carbutt, E. H.	Grant, A.	Mappin, F. T.	Stansfeld, rt. hon. J.
Carington, hon. R.	Grant, D.	Marjoribanks, Sir D. C.	Stanton, W. J.
Carington, hon. Col. W. H. P.	Grant, Sir G. M.	Marjoribanks, E.	Stevenson, J. C.
Cartwright, W. C.	Gray, E. D.	Marriott, W. T.	Stewart, J.
Causton, R. K.	Grey, A. H. G.	Mason, H.	Story-Maskelyne, M. H.
Cavendish, Lord E.	Hamilton, J. G. C.	Massey, rt. hon. W. N.	Summers, W.
Cavendish, Lord F. C.	Harcourt, rt. hon. Sir W. G. V. V.	Maxwell, J. H. M.	Talbot, C. R. M.
Chamberlain, rt. hn. J.	Hardcastle, J. A.	Mellor, J. W.	Taylor, P. A.
Chambers, Sir T.	Hartington, Marq. of	Metge, R. H.	Tennant, C.
Cheetham, J. F.	Havelock-Allan, Sir H.	Middleton, R. T.	Thomasson, J. P.
Childers, rt. hn. H. C. E.	Hayter, Sir A. D.	Milbank, F. A.	Thompson, Sir H. M.
Chitty, J. W.	Henderson, F.	Monk, C. J.	Thompson, T. C.
Clarke, J. C.	Heneage, E.	Moreton, Lord	Tillett, J. H.
Cohen, A.	Herschell, Sir F.	Morgan, rt. hon. G. O.	Tracy, hon. F. S. A.
Collings, J.	Hibbert, J. T.	Morley, A.	Hanbury-
Colman, J. J.	Hill, T. R.	Mundella, rt. hon. A. J.	Trevelyan, G. O.
Corbett, J.	Holland, S.	Noel, E.	Villiers, rt. hon. C. P.
Cotes, C. C.	Holland, J. R.	Nolan, Major J. P.	Vivian, H. H.
Courtauld, G.	Holms, J.	Norwood, C. M.	Walter, J.
Courtney, L. H.	Hopwood, C. H.	O'Beirne, Major F.	Waugh, E.
Cowan, J.	Howard, E. S.	O'Connor, T. P.	Webster, Dr. J.
Cowen, J.	Howard, J.	O'Gorman Mahon, Col.	Wedderburn, Sir D.
Craig, W. Y.	Hughes, W. B.	The	Whalley, G. H.
Creyke, R.	Hutchinson, J. D.	O'Kelly, J.	Whitbread, S.
Cross, J. K.	Illingworth, A.	Otway, A.	Whitwell, J.
Cunliffe, Sir R. A.	Inderwick, F. A.	Paget, T. T.	Whitworth, B.
Currie, D.	Ingram, W. J.	Palmer, C. M.	Wiggin, H.
Davey, H.	Jackson, Sir H. M.	Palmer, G.	Williams, B. T.
Davies, D.	James, C.	Palmer, J. H.	Williams, S. C. E.
Davies, R.	James, Sir H.	Parker, C. S.	Williams, W.
Davies, W.	James, W. H.	Parnell, C. S.	Williamson, S.
De Ferrieres, Baron	Jardine, R.	Pease, A.	Willis, W.
Dilke, A. W.	Jenkins, D. J.	Pease, J. W.	Wills, W. H.
Dilke, Sir C. W.	Johnson, E.	Peddle, J. D.	Willyama, E. W. B.
Dillwyn, L. L.	Johnson, W. M.	Peel, A. W.	Wilson, C. H.
Dodds, J.	Johnstone, Sir H.	Pennington, F.	Wilson, I.
Dodson, rt. hon. J. G.	Joicey, Colonel J.	Philips, R. N.	Wilson, Sir M.
Duff, rt. hon. M. E. G.	Kingscote, Col. R. N. F.	Playfair, rt. hon. L.	Wodehouse, E. R.
Dundas, hon. J. C.	Labouchere, H.	Portman, hn. W. H. B.	Woodall, W.
Earp, T.	Laing, S.	Potter, T. B.	Woollf, S.
Edwards, H.	Lambton, hon. F. W.	Powell, W. R. H.	
Edwards, P.	Law, rt. hon. H.	Power, J. O'U.	
	Lawley, hon. B.	Price, Sir R. G.	
		Pugh, L. P.	

TELLERS.

Grosvenor, Lord R.
Kensington, Lord

NOES.

Alexander, Colonel
 Amherst, W. A. T.
 Archdale, W. H.
 Ashmead-Bartlett, E.
 Aylmer, J. E. F.
 Bailey, Sir J. R.
 Balfour, A. J.
 Baring, T. C.
 Barne, F. St. J. N.
 Barttelot, Sir W. B.
 Bateson, Sir T.
 Beach, rt. hon. Sir M. H.
 Beach, W. W. B.
 Bellingham, A. H.
 Bentinck, rt. hon. G. C.
 Bentinck, G. W. P.
 Beresford, G. de la P.
 Biddell, W.
 Birkbeck, E.
 Birley, H.
 Blackburne, Col. J. I.
 Blake, J. A.
 Boord, T. W.
 Bourke, right hon. R.
 Brise, S. R.
 Broadley, W. H. H.
 Brodrick, hon. W. St. J. F.
 Brooke, Lord
 Brooks, W. C.
 Bruce, Sir H. H.
 Brymer, W. E.
 Burghley, Lord
 Burnaby, General E. S.
 Burrell, Sir W. W.
 Buxton, Sir R. J.
 Byrne, G. M.
 Callan, P.
 Cameron, D.
 Campbell, J. A.
 Carden, Sir R. W.
 Castlereagh, Viscount
 Cecil, Lord E. H. B. G.
 Chaine, J.
 Chaplin, H.
 Christie, W. L.
 Churchill, Lord R.
 Clive, Col. hon. G. W.
 Close, M. C.
 Cobbold, T. C.
 Coddington, W.
 Cole, Viscount
 Coope, O. E.
 Corbet, W. J.
 Corry, J. P.
 Cotton, W. J. R.
 Crompton-Roberts, C.
 Cross, rt. hon. Sir R. A.
 Cubitt, rt. hon. G.
 Daly, J.
 Davenport, H. T.
 Dawnay, Col. hon. L. P.
 De Worms, Baron H.
 Dickson, Major A. G.
 Digby, Col. hon. E.
 Donaldson-Hudson, C.
 Douglas, A. Akers-
 Dyke, rt. hn. Sir W. H.
 Dyott, Colonel R.
 Egerton, Sir P. G.
 Egerton, hon. W.

Elcho, Lord
 Elliot, G. W.
 Errington, G.
 Estcourt, G. S.
 Ewart, W.
 Ewing, A. O.
 Feilden, Maj.-Gen. R. J.
 Fellowes, W. H.
 Fenwick-Bisset, M.
 Filmer, Sir E.
 Finch, G. H.
 Fitzpatrick, hn. B. E. B.
 Fitzwilliam, hon. C. W. W.
 Fletcher, Sir H.
 Floyer, J.
 Foley, J. W.
 Folkestone, Viscount
 Forester, C. T. W.
 Foster, W. H.
 Fowler, R. N.
 Fremantle, hon. T. F.
 Gabbett, D. F.
 Galway, Viscount
 Garfit, T.
 Gardner, R. Richard-
 son-
 Garnier, J. C.
 Gibson, rt. hon. E.
 Giffard, Sir H. S.
 Goldney, Sir G.
 Gooch, Sir D.
 Gore-Langton, W. S.
 Gorst, J. E.
 Grantham, W.
 Greene, E.
 Greer, T.
 Gregory, G. B.
 Hall, A. W.
 Halsey, T. F.
 Hamilton, I. T.
 Hamilton, right hon. Lord G.
 Harcourt, E. W.
 Harvey, Sir R. B.
 Helmsley, Viscount
 Herbert, hon. S.
 Hermon, E.
 Hicks, E.
 Hildyard, T. B. T.
 Hill, Lord A. W.
 Hill, A. S.
 Hinchingsbrook, Visc.
 Holker, Sir J.
 Holland, Sir H. T.
 Hope, rt. hn. A. J. B. B.
 Hubbard, rt. hon. J.
 Jackson, W. L.
 Johnstone, Sir F.
 Kennard, Col. E. H.
 Kennaway, Sir J. H.
 Knight, F. W.
 Knightley, Sir R.
 Knowles, T.
 Lawrance, J. C.
 Lawrence, Sir T.
 Leamy, E.
 Lechmere, Sir E. A. H.
 Lee, Major V.
 Legh, W. J.
 Leigh, R.

Leighton, Sir B.
 Leighton, S.
 Lennox, Lord H. G.
 Lever, J. O.
 Lewis, C. E.
 Lewisham, Viscount
 Lindsay, Col. R. L.
 Lindsay, Lord
 Loder, R.
 Long, W. H.
 Lopes, Sir M.
 Lowther, hon. W.
 Lyons, R. D.
 Macartney, J. W. E.
 Mac Iver, D.
 Macnaghten, E.
 M'Coan, J. C.
 M'Garel-Hogg, Sir J.
 Makins, Colonel W. T.
 Manners, rt. hn. Lord J.
 March, Earl of
 Martin, P.
 Marum, E. M.
 Master, T. W. C.
 Maxwell, Sir H. E.
 Miles, Sir P. J. W.
 Milla, Sir C. H.
 Monckton, F.
 Moore, A.
 Morgan, hon. F.
 Moss, R.
 Mowbray, rt. hn. Sir J. R.
 Mulholland, J.
 Murray, C. J.
 Musgrave, Sir R. C.
 Newdegate, C. N.
 Newport, Viscount
 Nicholson, W. N.
 Noel, rt. hon. G. J.
 North, Colonel J. S.
 Northcote, H. S.
 Northcote, rt. hon. Sir S. H.
 O'Connor, A.
 O'Donnell, F. H.
 O'Donoghue, The
 Onslow, D.
 Palliser, Sir W.
 Patrick, R. W. C.
 Peek, Sir H.
 Pell, A.
 Pemberton, E. L.
 Percy, Earl
 Phipps, C. N. P.
 Plunket, hon. D. R.
 Powell, W.
 Power, R.
 Price, Captain G. E.

Puleston, J. H.
 Rankin, J.
 Redmond, W. A.
 Rendlesham, Lord
 Repton, G. W.
 Ridley, Sir M. W.
 Ritchie, C. T.
 Rodwell, B. B. H.
 Rolls, J. A.
 Ross, A. H.
 Round, J.
 Russell, Sir C.
 St. Aubyn, W. M.
 Sandon, Viscount
 Schreiber, C.
 Sclater-Booth, rt. hn. G.
 Scott, Lord H.
 Scott, M. D.
 Selwin - Ibbetson, Sir H. J.
 Severne, J. E.
 Smith, A.
 Smith, rt. hon. W. H.
 Smyth, P. J.
 Stanhope, hon. E.
 Stanley, rt. hn. Col. F.
 Stewart, M. J.
 Storer, G.
 Stuart, H. V.
 Sullivan, A. M.
 Sykes, C.
 Talbot, J. G.
 Taylor, rt. hn. Col. T. E.
 Thomson, H.
 Thornhill, T.
 Thynne, Lord H. F.
 Tollemache, hon. W. F.
 Tottenham, A. L.
 Tyler, Sir H. W.
 Wallace, Sir R.
 Walpole, rt. hon. S.
 Walrond, Col. W. H.
 Warburton, P. E.
 Warton, C. N.
 Watkin, Sir E. W.
 Watney, J.
 Welby-Gregory, Sir W.
 Whitley, E.
 Wilmot, Sir H.
 Wilmot, Sir J. E.
 Wolff, Sir H. D.
 Wortley, C. B. Stuart-
 Wroughton, P.
 Wynn, Sir W. W.
 Yorke, J. R.

TELLERS.

Crichton, Viscount
 Winn, R.

Main Question proposed,

"That every person returned as a Member of this House, who may claim to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, shall henceforth (notwithstanding so much of the Resolution adopted by this House on the 22nd day of June last as relates to Affirmation) be permitted, without question, to make and subscribe a solemn Affirmation in the form prescribed by 'The Parliamentary Oaths Act, 1866,' as altered by 'The Promissory Oaths Act, 1868,' subject to any liability by statute."—(Mr. Gladstone.)

societies which had hitherto distributed relief in Ireland. The right hon. Gentleman must be convinced that every effort made by the Government to relieve distress, by means of the Poor Law organization alone, would fail. In the first place, it would fail because many of the small farmers would rather starve than apply to the Poor Law Boards at all. They would have to make up their minds to permitting relief to be distributed by private Committees, and there was no good in discussing the question in a political or an economical point of view, so long as it was clear that the small farmers would rather suffer the greatest extremities than receive relief at the hands of the Government officials. Moreover, there was a difficulty on account of the disinclination of the Poor Law Boards to avail themselves of the powers given to them. There was a very violent prejudice on the part of many of the Poor Law Guardians in any shape. That did not apply so much in cases where the poor rate was very high; but instances were within his knowledge where the poor rate was as low as 10*d.* in the pound, and yet where the Guardians entirely refused to grant out-door relief. If that state of things were allowed to continue, all the mischief would be done before it was possible to remedy it. The Mansion House Fund had gone down to about £8,000, and in another fortnight it would be exhausted. Then what could the Poor Law system do? He was convinced the Government were not making sufficient provision. They had already been obliged to supersede two or three Poor Law Boards by paid Commissioners; but where were the men to be got to administer the others? He thought the proposal was the most immediate that could be adopted, and certainly speed was of the essence of this question. It was certain that unless the Government adopted some speedy method outside the Poor Law system there would be starvation within a week or two. They knew that if the Chief Secretary for Ireland could, by a stroke of the pen, relieve the distress in Ireland, he would do so; but he could not attend to all the details throughout the country in which he (Mr. Gray) believed the whole of the machinery existing at present was inadequate. He deeply regretted that the proposal had been thrown aside.

Mr. Gray

He did not say that it might not be capable of improvement; but, unless immediate grants were given through some other organization which could act without too much red tape, they would not be able effectually to cope with the distress. He asked attention to the suggestion which had been made, which was, that in view of the distress, and in view of the large burdens which must of necessity be cast upon the ratepayers, that the Government would consider the propriety of postponing for the next 12 months the payment under the Seeds Act. This would do more to relieve the distress than any other proposal except the free grant of public money, because it would relieve the Boards of Guardians of burdens which had been intolerable. This money was not repayable to the Board of Public Works before August, 1881; but the tenant to whom the money was advanced must pay it back immediately after the harvest. It had been said that if there was a good harvest there was no debt which could be more legitimately demanded than that for the seed which had produced that harvest. That was perfectly true; and although he had put a Notice on the Paper for the remission of the debt, finding that public opinion in Ireland would not support him in that proposal, he intended to remove it from the Paper. There was among the small farmers in Ireland a strong conviction that it would be impossible to pay this debt, together with the enormous liabilities which had accumulated upon them, during the year. It had been said that the sum advanced was so small it could easily be paid if the harvest were good. But if it were good, there would be some serious debts of other kinds for the farmers to meet. They were already overwhelmed with debts. The first condition of receiving this seed must have been that they were in such a distressed state that they could not, either by credit or by means of other resources, obtain money to stock their land. They were, therefore, in a bankrupt condition when the seed was received; since which they had been living on charity, or upon such credit as they could obtain. They not only owed their rent, in most cases, but were steeped in debt to the local shopkeepers, and there were three or four creditors watching every small farmer to pounce

upon him, if the harvest was a successful one. Therefore, it would be impossible to meet the demands that would be made upon them after the harvest; and no greater relief could be given than if they failed, for fail they must, to meet their obligations, than by postponing the seed debt for 12 months. If it was thought fit, let interest be exacted, even at 3½ per cent. But he was convinced, further, that if the debt were postponed it would be a great benefit to the Treasury in a financial sense, because the debt would be able to be gathered with much greater facility. He trusted the Government would not discard his proposal without taking it into full consideration. He spoke with some authority upon this subject, because he had acted as Chairman of a large Company which had to consider the best mode of relieving the distressed small farmers. In his opinion, nothing better could be done, with the exception of a free grant of public money, to relieve the distress. He was also convinced that some such suggestion as that of the hon. Member for Cork City should be considered—that was to say, an immediate grant to be administered by some other method than by the Poor Law system, in order to prevent the distress which must come within the next four or five weeks, unless something were done.

MR. P. MARTIN said, though objections might be made to the manner in which it was proposed to distribute the grant to be made under the provisions of the Bill, it occurred to him the Government ought to concede the main principle of the measure. It was admitted that severe distress existed, and was likely to increase, in Ireland, and that the charitable associations which had heretofore relieved destitution and warded off the approaches of famine were now without funds. Under those circumstances, he thought it was not unreasonable that they should obtain a grant in aid of that distress from funds belonging of right to the Irish people. It had rightly been pointed out by the hon. Member for Carlow that the example of the Canadian Parliament was one which it was fitting that this country should follow. It did not redound to the credit of England that alleviation for the distress in Ireland should have been obtained from the charity of America and funds granted by a Colonial

Parliament, and that now the Government should refuse not merely to give any aid as proposed, but that the Chief Secretary for Ireland should listen in silence to the suggestions which had been made by his hon. Friend the Member for Carlow County (Mr. Gray). He trusted the right hon. Gentleman would not force the Irish Members to divide upon the Bill. He thought it would be viewed as a most unfortunate thing in Ireland if they were driven to take a division upon a Bill of that character. Let him (Mr. Martin) remind the Government that in introducing a Bill of the exceptional character of that which gave the distressed tenant compensation in case he was evicted for non-payment of rent out of the pocket of the Irish landlord, they admitted the prevailing distress was of a character not to be encountered or overcome by ordinary rules. If it was right to transfer thus the burdens from one class to another class, under the state of circumstances which existed in Ireland, it was surely reasonable that the State should contribute towards this exceptional distress occasioned by the visitation of Providence. The postponement of the payment of the instalments, under the Seeds Supply Act, would not be a very serious tax on Imperial resources, and would be of very great assistance in many localities. Even in many of those Unions not scheduled under the Act for the Relief of Distress, the poor rates had been not less than 4s. in the pound during the past year. The distress throughout Ireland was, unfortunately, not confined to Galway, Mayo, or Donegal.

MR. CALLAN said, he believed it would be a substantial benefit to the tenants and small farmers in Ireland if the payment for the seeds were deferred for 12 months, and was glad that the discussion which had taken place upon the Bill had afforded the hon. Member for Carlow (Mr. Gray) the opportunity of making such a good suggestion. There had been four relief funds in Dublin; but his own county, where there had been a great amount of distress, had not received a penny from any one of those funds. It would be setting an evil precedent to hand over the sum of £200,000 to such bodies, notwithstanding they had every confidence in the administration of the charitable funds by the Mansion House Committee. They

societies which had hitherto distributed relief in Ireland. The right hon. Gentleman must be convinced that every effort made by the Government to relieve distress, by means of the Poor Law organization alone, would fail. In the first place, it would fail because many of the small farmers would rather starve than apply to the Poor Law Boards at all. They would have to make up their minds to permitting relief to be distributed by private Committees, and there was no good in discussing the question in a political or an economical point of view, so long as it was clear that the small farmers would rather suffer the greatest extremities than receive relief at the hands of the Government officials. Moreover, there was a difficulty on account of the disinclination of the Poor Law Boards to avail themselves of the powers given to them. There was a very violent prejudice on the part of many of the Poor Law Guardians in any shape. That did not apply so much in cases where the poor rate was very high; but instances were within his knowledge where the poor rate was as low as 10*d.* in the pound, and yet where the Guardians entirely refused to grant out-door relief. If that state of things were allowed to continue, all the mischief would be done before it was possible to remedy it. The Mansion House Fund had gone down to about £8,000, and in another fortnight it would be exhausted. Then what could the Poor Law system do? He was convinced the Government were not making sufficient provision. They had already been obliged to supersede two or three Poor Law Boards by paid Commissioners; but where were the men to be got to administer the others? He thought the proposal was the most immediate that could be adopted, and certainly speed was of the essence of this question. It was certain that unless the Government adopted some speedy method outside the Poor Law system there would be starvation within a week or two. They knew that if the Chief Secretary for Ireland could, by a stroke of the pen, relieve the distress in Ireland, he would do so; but he could not attend to all the details throughout the country in which he (Mr. Gray) believed the whole of the machinery existing at present was inadequate. He deeply regretted that the proposal had been thrown aside.

Mr. Gray

He did not say that it might not be capable of improvement; but, unless immediate grants were given through some other organization which could act without too much red tape, they would not be able effectually to cope with the distress. He asked attention to the suggestion which had been made, which was, that in view of the distress, and in view of the large burdens which must of necessity be cast upon the ratepayers, that the Government would consider the propriety of postponing for the next 12 months the payment under the Seeds Act. This would do more to relieve the distress than any other proposal except the free grant of public money, because it would relieve the Boards of Guardians of burdens which had been intolerable. This money was not repayable to the Board of Public Works before August, 1881; but the tenant to whom the money was advanced must pay it back immediately after the harvest. It had been said that if there was a good harvest there was no debt which could be more legitimately demanded than that for the seed which had produced that harvest. That was perfectly true; and although he had put a Notice on the Paper for the remission of the debt, finding that public opinion in Ireland would not support him in that proposal, he intended to remove it from the Paper. There was among the small farmers in Ireland a strong conviction that it would be impossible to pay this debt, together with the enormous liabilities which had accumulated upon them, during the year. It had been said that the sum advanced was so small it could easily be paid if the harvest were good. But if it were good, there would be some serious debts of other kinds for the farmers to meet. They were already overwhelmed with debts. The first condition of receiving this seed must have been that they were in such a distressed state that they could not, either by credit or by means of other resources, obtain money to stock their land. They were, therefore, in a bankrupt condition when the seed was received; since which they had been living on charity, or upon such credit as they could obtain. They not only owed their rent, in most cases, but were steeped in debt to the local shopkeepers, and there were three or four creditors watching every small farmer to pounce

tions for relief in Ireland, and had pointed out that the reports of individuals had covered that country with a network of relief Committees, and that it was not wise of the Government to shut their eyes to that organization. All that he had heard since upon the matter had only confirmed him in his opinion that what might be called the official machinery for the relief of distress in Ireland was inadequate for the purpose. He could not see any moral or absolute reason why the grants of public money should not be distributed by an organization individually initiated and spontaneously offered. He did not believe that the millions of money raised for the relief of distress in India could have reached their destination so well, but for the manner in which the officials of the Government cordially co-operated with individual effort. He had had representations made to him on the subject of the difficulty of getting Boards of Guardians to grant relief; and he trusted the Government would not allow it to be thought that they had made up their minds upon the subject. In a few weeks it would be too late to supplement the official machinery and establish a supplementary system of relief out of loans and out of the rates and taxes. There must be a free grant, and there ought to be use made of the organization of individual effort which had already worked so well, and which, under Government supervision, would, no doubt, work better.

MAJOR NOLAN said, under the circumstances, he thought it better to be weary than that the people of Ireland should starve. The people in his part of the country had complained that the time of the House had been wasted in debates upon the Bradlaugh question, while there had been little or no attention paid to the question of distress in Ireland. There was no necessity to quarrel about the machinery for the administration of the fund, for the hon. Member for Cork City (Mr. Parnell) had said he was quite willing the Government should choose its own machinery. He had a letter from a magistrate and grand juror in the county of Galway, who said there was great distress in his neighbourhood, and there were also 10 families affected by fever. That magistrate, who would have to pay a good deal to the rates, pointed out that

the Poor Law Guardians had not done their duty. Some machinery ought, therefore, to be adopted by the right hon. Gentleman the Chief Secretary for Ireland of another kind. He thought it would be well to take a division, if there were no reasonable probability of bringing the Bill forward on Saturday. He hoped, however, that the Prime Minister would agree to that.

MR. DALY said, that he did not wish to detain the House at that hour of the morning; but he thought it necessary to call attention to two or three facts in connection with the manner in which out-door relief was distributed by private Committees. He doubted very much whether any machinery could be found which would effect the purpose in view better than the charitable organizations now existing in the distressed districts of Ireland. In the first place, they had had such experience with regard to the distressed districts that they could not be imposed upon. Persons concerned in the administration of the charitable funds were usually clergymen, resident doctors in the district, and other persons intimately acquainted with the wants of the locality; and the information they possessed as to those actually needing relief was much greater than could be acquired by other persons. These gentlemen, moreover, had been engaged in the work of distribution for a long period. Under these circumstances, he could not but consider that in the distribution of any relief they could not do better than intrust it to the hands of the same persons who had hitherto administered the charitable funds in Ireland.

MR. COURTNEY said, he understood the hon. Member for Cork City (Mr. Parnell) to state that if this debate were adjourned it could not be taken at any hour on another evening now that the hon. Member for Stockton (Mr. Dodds) had moved to reject the Bill. At the same time, it seemed to him that the inconvenience of having a discussion then was so very great, that he would suggest that the hon. Member for Stockton should withdraw his Amendment that the Bill should be read a second time that day three months, in order that the Bill might be brought on at any period of the evening on another occasion. He would, therefore, ask the hon. Member for Stockton to withdraw his Amendment.

MR. W. E. FORSTER said, he was very sorry not to be able to meet the wishes of hon. Members from Ireland; but he was quite sure it was perfectly possible for the Government to meet distress through the Poor Law machinery without the grant. At the present time, the Poor Law Guardians were giving out-door relief in some cases, and where they did not respond to the appeal to give relief loans were offered to them. He did not see what difference it would make, whether they were giving a grant, or whether they offered loans for two years. He could not advise to assent to the plan proposed, for it would be an acknowledgment of the utter failure of the Poor Law to meet an emergency. If this course which had been suggested were adopted it would complete the abolition of the Poor Law. If the hon. Member desired to take the sense of the House upon his proposal he had better take it that evening, and the Motion for adjournment had better be withdrawn.

MR. ARTHUR O'CONNOR said, that he should like to know from the right hon. Gentleman the Chief Secretary for Ireland whether or not it was proved that the Poor Law in Ireland had broken down. It was within his knowledge that many families who were in the most distressed condition had the greatest possible repugnance to make known their distress to the Government officials. But for the action of the relief Committees, numberless families throughout Ireland would have been dead by the present time. Again, in the county which he had the honour to represent, which was a scheduled county, there were cases of persons suffering the extremity of famine and not applying for relief. Some unfortunate persons who had received potatoes under the Relief Act had been compelled to dig up again the seed which had been planted, for the purpose of sustaining life. No doubt, it was against the law; but Guardians could not find it in their hearts to prosecute those unfortunate persons. He could understand the objection of the Government to the distribution of public funds through private Committees, and he would suggest that some kind of compromise on the subject be adopted. Why should the Government not allow half the money to be distributed by the Poor Law Guardians and half the money through the

relief Committees? In that way they would insure the £200,000 which the hon. Member for the City of Cork desired should be granted being properly expended.

MR. METGE said, that if they could obtain a pledge from the Government to adopt the moderate proposal of the hon. Member for the City of Cork they would be happy to take the course suggested by the Government. He believed that the proposal which the right hon. Gentleman the Chief Secretary for Ireland told them he was going to bring forward was simply one for the relief of the landlords of Ireland. He did not believe that it would meet the distress amongst the poor. When the Government came forward with a Relief Bill for Ireland of the nature of that introduced by the right hon. Gentleman the Chief Secretary, in his (Mr. Metge's) opinion, it was the duty of Irishmen to sit there till that time to-morrow, if necessary, in order to obtain a proper measure. Were they to consent to the proposal of the Government they would be altogether renouncing their proper responsibility. It was the clear duty of hon. Gentlemen from Ireland to insure proper legislation for her interests, no matter what inconvenience to themselves.

MR. LITTON said, he denied that it was the right of any hon. Member on the opposite Benches to sit there from that time until the same hour the next day for the purpose of repeating the same arguments over and over again. The proposition of the hon. Member for Cork City (Mr. Parnell) had been met by the Amendment of the hon. Member for Stockton (Mr. Dodds) that the Bill be read a third time that day three months. It was only by that means that this discussion could be brought to an end. Hon. Member after hon. Member had risen in his place on the opposite side and had repeated the same arguments. He denied that it was the right of any hon. Member to treat the House in that way. The Bill of the hon. Member for Cork City asked that £200,000 might be handed over to private societies to distribute to the poor of Ireland; and if that principle were adopted, the Government might as well hand over to those societies the government of Ireland altogether. It would be impossible for any Government to carry on the Public

Business of Ireland, if they were so to abdicate their functions, and to hand them over to any private individual or private society. It would be a direct abdication of their functions to hand over a large sum of money like this to private distribution. He had personally every confidence in some of the societies which had been concerned in the relief of the distressed. He had no doubt that the Committee presided over by the right hon. Gentleman the Member for Carlow (Mr. Gray) had done a deal of good; but there were other Committees in which he had not a like confidence. He believed there was in the minds of a great many hon. Members of that House a considerable want of confidence in some of those Committees; but it was not a question whether they were or were not worthy of confidence. A question of principle was involved, and the only way to bring the matter to a conclusion was to persevere in the Amendment that the Bill be read a third time that day three months.

MR. O'SHAUGHNESSY said, it was hardly fair to the hon. Member for the City of Cork (Mr. Parnell) to argue that he had asked for this money to be handed over to voluntary societies. He had expressed his perfect willingness to permit this money to be distributed by means of the Poor Law machinery. After that concession, it became illogical to represent as his argument that this money should be handed over to voluntary societies. What they asked was that public money should be given to the Local Government Board for distribution in such Unions as required a grant instead of a loan. With respect to that proposition, there was good reason for considering it was absolutely necessary. On all sides they had an expression of opinion from Irish Members, including that of the Conservative Member for Tyrone (Mr. Macartney), that something of the nature of a grant was necessary. The only hon. Members who had not concurred in that opinion were the Liberal Member for Tyrone (Mr. Litton), and the hon. Member for Louth (Mr. Callan). [Mr. CALLAN said, that he made no objection to the grant.] He (Mr. O'Shaughnessy) was glad to hear that there was an absolute consensus of opinion amongst the Irish Members on this point, with the exception of the Liberal Member

for Tyrone. Great objections were made to public money being handed to voluntary societies; but the hon. Member for Cork City was willing to withdraw that part of his proposal, and to consent to its being handed over to the Local Government Board. The Local Government Board required something more than they had hitherto had. It was necessary to put in their hands a certain sum of money, in order that they might encourage Poor Law Guardians to give out-door relief. The right hon. Gentleman (Mr. W. E. Forster) should take power for the Local Government Board to have a certain sum of money for distribution among such Unions as might be selected. Let the principle of the grant be grafted on the Relief Bill of the Government, and a great deal would then have been done to meet the objections of the hon. Member for the City of Cork. They did not want to disturb the ordinary Poor Law machinery of the country, and were quite willing to allow the grant to be distributed by the Local Government Board. They knew the way in which Boards of Guardians in Ireland acted. It was well known in Ireland that the prospect of having to repay the principal of the large sums of money that might be lent to them to distribute out-of-doors had hitherto prevented the Boards of Guardians from giving out-door relief to any extent. To obviate that objection on the part of the Guardians the present Bill had been introduced. The great principle for which they contended was that a grant should be made to the Guardians, and they would be quite satisfied if that were engrafted upon the Government measure.

MR. W. E. FORSTER said, that perhaps the House would allow him to state that no limit would be imposed upon the expenditure of the Local Government Board in the event of any emergency short of £1,500,000. The suggestion that the money should be given to the relief Committees now seemed to have been dropped; and the sole question, therefore, was between the loan and the grant. Surely, that might be perfectly well discussed upon the Government Bill on Saturday, and it was unnecessary to occupy the House longer on the present occasion. He must not, however, be understood as in any way assenting to the proposal made, for he

would rather stop there till any time than have a compromise of that kind extorted from him.

MR. O'CONNOR POWER said, that he fully agreed with the observations that had been made, that they ought to sit there till that time to-morrow, if by doing so they should contribute to the relief of their distressed countrymen in Ireland. It did not seem to him, however, that there was anything in the proposals of the Government hostile to the principle for which they were contending. Therefore, he should ask his hon. Friend the Member for the City of Cork to allow the matter to come to a harmonious conclusion. Neither his great respect for the present Government, nor their great majority, nor the distinguished character of the Minister who led it, would induce him to deviate one inch from what he considered to be the proper course to be taken. But he could not regard the Government as hostile to their views. It seemed to him that they were pursuing the same object as themselves, and that it was only a question of machinery. He thought the suggestion of the right hon. Gentleman the Chief Secretary for Ireland, that the question should be discussed on Saturday, was a reasonable one.

MR. PARNELL said, he agreed with his hon. Friend the Member for Mayo (Mr. O'Connor Power) that the debate might be now adjourned. But it should be remembered that he had proposed that plan at the beginning, although he feared he had been misunderstood by the Chief Secretary for Ireland. He had proposed that the right hon. Gentleman should adopt the principle of a grant reserving to himself the right of administration by the Poor Law Board, and it was only at that moment that the Chief Secretary for Ireland had pointed out how it could be done.

MR. BIGGAR said, without any wish to take up the time of the House, or put any obstacle in the way of the Government, he desired to state that he understood the right hon. Gentleman (Mr. W. E. Forster) not to object to the adjournment of the debate until Saturday.

MR. W. E. FORSTER said, he had stated that the questions raised that evening could be raised upon the Bill on Saturday next. He was surprised that the hon. Member (Mr. Biggar) had not understood that.

Mr. W. E. Forster

MR. BIGGAR said, he must have misunderstood the right hon. Gentleman, who, he confessed, was not very lucid in his statement. He did not see why, although the Government had arranged not to put down any other Business on the Paper for Saturday, they should be precluded from putting down this Bill for the same day. Of course, if the whole Sitting were occupied with the Government Bill, there would be no opportunity of discussing the Irish Bill. It was simply a matter of convenience for all parties, and he raised the question as indicating a way out of the difficulty. He desired to make reference to the statement of the hon. Member for Louth (Mr. Callan) with regard to the Irish Land League. The hon. Gentleman had brought some very dark charges against that body, and had gone into detail, alleging, at the same time, that in one of the national Committees some irresponsible parties had led persons to believe that they would get grants of potatoes if they voted in a particular way.

MR. SPEAKER: The observations of the hon. Member have clearly nothing to do with the subject before the House.

MR. BIGGAR said, there was not the slightest foundation for the statement of the hon. Member for Louth. The hon. Member for Tyrone (Mr. Litton) had said that the same arguments had, over and over again, been advanced with regard to this Bill, and upon that point he would remark that the hon. Member had succeeded in repeating himself several times in the course of the debate.

Question put, and *agreed to.*

MR. PARNELL said, he wished to see the block Motion taken off the Paper for Saturday, and would move that the Bill be read a second time on that day.

Motion made, and Question proposed, "That the Debate be adjourned till Saturday."—(*Mr. Parnell.*)

MR. W. E. FORSTER said, he would put it to the hon. Member for Cork City (Mr. Parnell) that there had not been a question raised that night that could not be raised upon the debate on the Bill next Saturday. The hon. Member seemed to admit that himself, and he (Mr. Forster) wondered that he had not seen it from the beginning. The

Government were under an engagement not to take any Business on Saturday, except the Government Bill; therefore, he could not understand why there should be an attempt made to bring on the present Bill on that day. He repeated there was no question which had been raised that evening which could not be brought up next Saturday on the Government Bill.

MR. A. M. SULLIVAN said, he would appeal to his hon. Friend (Mr. Parnell) to take into consideration the point raised. He was afraid there was no chance of the Government Bill getting through on Saturday. They were, therefore, merely wasting time on a matter of form, because the Bill could not be reached on Saturday. If he thought otherwise, he should support his hon. Friend; but his advice was to concentrate their minds upon the Government measure, and endeavour to convert the proposed loan into a grant.

MR. BIGGAR said, he did not wish, in the smallest degree, to criticize, at that moment, the merits of the Government Bill; but merely wanted to point out that the portion of the Government Bill in competition, so to speak, with that of the hon. Member (Mr. Parnell), was at a stage of the Bill which was not likely to be reached on Saturday. He suggested, as a way out of the difficulty, that the hon. Member for Stockton (Mr. Dodds) should withdraw his Amendment against the second reading of the Bill.

MR. SPEAKER: The observations of the hon. Member (Mr. Biggar) are quite beside the Question before the House, which is simply as to the day when the second reading of this Bill can be taken.

MR. BIGGAR said it was so difficult to get on with the Bill of a private Member, when it was stopped by a Government Motion, that it would be well if they had an opportunity of discussing the measure on Friday night.

Question put.

The House *divided*:—Ayes 22; Noes 62: Majority 40.—(Div. List, No. 36.)

Debate *adjourned* till *Monday* next.

House adjourned at Four o'clock in the morning.

HOUSE OF LORDS,

Friday, 2nd July, 1880.

MINUTES.]—SELECT COMMITTEE—Highway Acts, *nominated*.

PUBLIC BILLS—*First Reading*—Local Government Provisional Orders (Ashford, &c.)* (115); Local Government Provisional Orders (Bethesda, &c.)* (116).

Second Reading—General Police and Improvement (Scotland) Provisional Order (Broughty Ferry)* (99); Elementary Education Provisional Orders Confirmation (Cardiff, &c.)* (100).

Third Reading—Great Seal* (90); Universities of Oxford and Cambridge (Limited Tenures)* (111); Universities and College Estates Act Amendment* (92), and *passed*.

INTEMPERANCE—REPORT OF THE SELECT COMMITTEE.

QUESTION. OBSERVATIONS.

THE EARL OF ONSLOW, in rising to call attention to the Report of the Select Committee of the House on Intemperance, and to inquire, Whether Her Majesty's Government intend to introduce any further measure to carry into effect the recommendations of that Committee? said, he had to regret that some more important Member of their Lordships' House had not called attention to the matter. The Committee in question was appointed in 1876, on the Motion of the most rev. Primate (the Archbishop of Canterbury). Since the Committee reported, three of its most important Members, including the noble Duke who was its Chairman, had become Members of Her Majesty's Government. This fact was a further inducement to him to ask what were the intentions of the Government with reference to the recommendations of the Committee. The Archbishop of Canterbury had moved in the matter in consequence of a Memorial to the Bishops from a very large body, both of the clergy and laity, of the Established Church. There was no question that, at that time, the consumption of intoxicating liquors had increased in the country; and during the year 1877 there were no less than 200,000 persons charged with being drunk and disorderly; but these did not include those who were too drunk to be disorderly or not drunk enough to be incapable. It was fair to say that the

consumption of tea and sugar had increased to a still larger extent in proportion to the population; but there could be no doubt of the fact that intemperance increased with the advance of wages, and that the crimes of violence increased in proportion to the apprehensions for drunkenness, though they were not actually coincident with the increase of drunkenness, but subsequently to it, as if it required some years of hard drinking to bring the working classes to their greatest depravity. It was one of the results of habitual intoxication. The Acts of 1869 and 1872, supplemented by the Act of 1874, had materially improved the condition of things; order in the public streets had increased, as had the vigilance of the police; and the severer penalties imposed made the publicans more careful in the conduct of their houses. But much remained to be done, and the Select Committee, which had collected a great deal of information and statistics, made numerous recommendations. One was that some legislative facilities should be given to those Local Bodies who were desirous of making an experiment in the direction of repressing drunkenness in the localities for which they acted. It was a mistake to suppose that this had any reference to the Permissive Bill. The whole spirit of the Report was antagonistic to the Permissive Bill; the recommendation of the Committee aimed rather at the possibility of giving a trial to some such scheme as the Gothenburg or Mr. Chamberlain's. The former consisted of giving the municipality power to sell the whole of the licences in the town, which, in the case of Gothenburg, they did to certain philanthropic persons, who conducted the business solely on the principle that no individual should derive any profit whatever from the sale of intoxicating drinks; the only advantage they were allowed to derive being from the sale of food and non-intoxicants. Mr. Chamberlain's scheme differed slightly from that, as he proposed that instead of the Corporation selling the licences to a company they should become the purchasers and managers of the houses. The Committee were not convinced that either of these schemes would be an infallible remedy; but they thought powers ought not to be refused to those Local Bodies who were prepared to try them, so that, if they were found to

be successful in a limited area, they might be extended to the whole country. As he had said, the Committee declined, in any way, to recommend the permissive system, and he (the Earl of Onslow) concurred in that view, because he thought that such a system was opposed to the whole spirit of our legislation; but there was much to be said in favour of some such plan as the Gothenburg system, or a modification of it. The principle of giving power over the licences was not a new one. In 1835, Lord John Russell introduced in the Municipal Corporations Reform Bill a clause to enable municipalities to obtain the control of licences. That clause was rejected; but, now that municipalities were allowed to purchase gasworks and waterworks, and were intrusted with great powers under the Artizans' Dwellings Act, there seemed to be no good reason why they should not be allowed to conduct a traffic which was productive of great increase to the rates, and which might be most injurious to the inhabitants of the locality. Why should they not be enabled to purchase public-houses, to insure good management, and that nobody should be tempted to drink to excess? The merits of this plan were that it would provide due compensation for existing interests, and would enable the public to supply their wants at houses conducted in the most respectable manner. He did not mean to assert that any one of the different schemes for municipal action in the matter would be effectual; but he maintained that power should be given to the municipalities to make the experiment, while the Legislature should stand by, watch, and gain experience from their experiments. Another branch of the subject which had engaged considerable attention on the part of the Select Committee was that of grocers' spirit licences, which, though they had been a convenience in some respects, had, it was feared, promoted in other respects drinking habits. The number of grocers' licences had increased from 3,546, in 1871, to 5,821 at the present time. Those licences could be refused only on four statutable grounds — either that the person or the house was not qualified for such a licence. Hitherto they had trusted to the high price of the grocers' licences to restrict their abuse, the grocer having to pay £28 14s. on a

The Earl of Onslow

£100 house, as against £15 10s. 8d. paid by the licensed victualler on a house of the same value; but under the new system of licensing duties now proposed by the Chancellor of the Exchequer this would be materially modified, and the two classes of licence placed on an equal footing, as the publicans' licence would be increased to £30, whilst the grocers' would remain at £28 14s. It appeared to him that, under these circumstances, there was a danger of a very large increase in the number of grocers' licences. There was an objection to those licences being granted by magistrates, because of the invidious position in which these functionaries must be placed if they had two applicants of equal respectability from the immediate neighbourhood; but he should be willing to see a power given to magistrates to fix the maximum number of grocers' licences which they would permit within a district, and to put all those licences up to public tender, so that the fullest value would be paid by the grocer for his privilege. In that way the number of grocers selling spirits would be kept down. It was a convenience to many persons to be able to buy spirits in the shops of their grocers; but it had been stated, in evidence to the Select Committee, that much mischief was caused by the facility for the purchase of spirits which the shops afforded to women, and that some of the grocers consented to enter as "goods" the spirits had by women. Indeed, one gentleman told the Committee that this was so common in Scotland that whenever he found the entry "goods" in a grocer's account he at once understood it to mean "bads"—that was to say "drink." Referring to another point, he believed that public opinion was at this moment ripe for some slight increase in the restrictions on the trade, especially as regarded Saturdays. He thought it would not be too much to oblige publicans to close their houses at an earlier hour on Saturday evenings, when the working people left off work earlier, and had more cash to spend. It was stated that women in Glasgow said they never got their eyes blackened on Saturday nights till after 10 o'clock. He did not think this country was prepared for Sunday closing. In Ireland there was a strong feeling expressed by the publicans in favour of it; but there had been no such manifestation of public feeling in this

country. One important question was as to giving greater power to magistrates to refuse the renewal of licences where the character of the premises had been altered; such, for instance, as in the cases where proprietors of old inns had taken the adjoining premises, and converted them into gin palaces, which proceeding had been ruled not to be an infringement of the licence. He thought that they should have greater power; above all, he looked to the results of the establishment of counter attractions to public-houses. The opening of coffee public-houses, working men's clubs, and even temperance music rooms was to be regarded with pleasure; but he sincerely hoped that, whatever legislation might be undertaken in this matter, none of those who had so earnestly and successfully laboured for this object would relax their efforts. Legislation, on its present lines, had been carried almost to the limit, and he did not believe it would be possible to carry restrictions very much further. If they were to have legislation on this subject, it must be an entirely new departure. The subject was one which was attracting considerable attention throughout the country; and after the utterances of the Premier in Mid Lothian on this subject, which he trusted he had no idea of retracting, he hoped for a favourable reply from the Government. He begged, in conclusion, to ask the Question of which he had given Notice.

THE BISHOP OF CARLISLE said, the Committee was appointed on a Motion of the most rev. Primate the (Archbishop of Canterbury) as the result of a very extensively signed Petition by the clergy. That Petition, in effect, asked the Bishops, as such, to introduce further legislation upon the subject. It was universally felt by the Episcopate that it was not for them to introduce a Bill dealing with the question. It did not seem to them that the Episcopal Bench was the most hopeful quarter from which such a Bill should proceed; but they also felt that it was impossible to turn a deaf ear to a Petition made so heartily and disinterestedly in relation to a subject upon which, if any portion of the community was well informed, it would certainly be the clergy, seeing that they had very ample opportunities of knowing the mischief caused by intemperance. The

noble Earl (the Earl of Onslow) had referred to the fact that there had been a change in the condition of Parties since then, and that several of the most distinguished Members of the Committee now occupied the other side of the House. That was a very important point to refer to, because it was not right to consider that the question of temperance or intemperance belonged to one side more than the other. It was a monstrous supposition that a Party of one colour was more interested in temperance than a Party of a different colour, and he did not believe there was in that House any such division of the two sides with regard to this question. But it so happened that a number of distinguished statesmen who were now on the Government side of the House were at that time—if he might use the expression—out of work, and were available to serve on the Committee, and he could bear testimony to the admirable, laborious, and conscientious manner in which they went into the subject. He trusted that noble Lords on that side of the House would now, in their prosperity, not despise the child of their adversity. A great many of the recommendations of the Select Committee were so simple and obvious that he did not see any difficulty in the way of their adoption. Why should not the entering of spirits as “goods” be treated as a fraud, punishable by loss of licence, as it now was in Scotland? and why should not the selling of spirits to boys or girls under the age of 16 be made penal in Ireland and Scotland as it was in England? Then there was a recommendation concerning the *bond fide* traveller. It was frequently assumed that the definition of such traveller was a man who, on the preceding night, had slept at a distance of not less than three miles than the place at which he was served; this was not really so; it was still left to the judgment of the magistrates to determine whether a man was a *bond fide* traveller or not; and the Lords’ Committee recommended that this point should be made clear. There could be no doubt that “Local Option” created great interest throughout the country, and in the other House of Parliament a Resolution in its favour had recently been carried; but the question now to be decided was what local option meant. There was a wide distinction between law and Lawson, and

when Local Option came to be converted into a hard law then would come the difficulty. Sir Wilfrid Lawson would like to translate his Resolution at once into the Permissive Bill; but they must all agree that that translation was neither a possible nor a desirable thing. There was a form of Local Option which the Committee in their Report called “local adoption,” which was, perhaps, a more suitable term; but he (the Bishop of Carlisle) confessed he was not very hopeful as to that recommendation, although the experience of the Gothenburg system in Sweden, where it had been adopted in town after town, was a very strong practical argument in its favour. The proposal made before the Committee was not so much the Gothenburg system as that modification of it which was devised by Mr. Chamberlain, which was that the towns should have the power, if they pleased, to buy up the interests of the Licensed Victuallers, and should take the whole business into their own hands, as was now the case in many towns with respect to gasworks and waterworks. Having heard the evidence given on that plan, he did not go the length of asserting that it was possible; but he did say that it was very well worth the consideration of Her Majesty’s Government, and that he did not see any better method of dealing with the liquor traffic in large towns. The evil of the existence of a very unnecessary number of public-houses in some of those towns was great. A case was brought before the Committee in which a sailors’ home had been established, and in which every avenue leading to that institution was lined with public-houses. As to Sunday closing, after the decision in the other House regarding Wales, the Legislature seemed distinctly to be committed to a consideration of the question, although he did not think it was simply one of the suppressions of intemperance, Sunday being by no means the most drunken day of the week. It should be borne in mind that this was not a question of the rich man against the poor man, but was the question of the poor man defending himself against an evil, the pressure of which he knew from experience. There could be no doubt that there was a growing opinion that it would be an advantage to have the public-houses closed on that day. It had been shown that of the whole num-

ber of householders canvassed on that point, amounting to nearly 800,000, 640,000 were in favour of Sunday closing, 80,000 against it, and 50,000 neutral. That result showed a very large majority for the measure, while, no doubt, a very large minority would have to be considered as not being of that way of thinking. It was a remarkable fact, however, that the majority for the greater part was composed of working people, and not of persons who had their wine cellars and clubs. He did not think public opinion was far enough advanced in that direction to warrant the belief that a measure for the entire closing of public-houses on Sunday would be generally acceptable; but he believed that the moderate recommendation of the Select Committee might be adopted—that the hours should be shortened—and in some parts of the country there might be entire closing. Those recommendations were so simple and so full of common sense that he could not conceive there could be any difficulty in introducing them into any Bill which might hereafter be brought forward on the subject. He sincerely trusted that the Report of the Committee would have due consideration from the Government whenever they had the opportunity of going into the question; and that early next Session they would have some proposal to legislate upon it.

LORD COTTESLOE, as a Member of the Committee which had sat upon the question, hoped the Government would be able to state to the House whether they intended to take up that question. It was highly desirable that they should speak out upon the point, for it was a matter of too much importance for anybody else to take up. So long as it was doubtful whether they were going to deal with it, therefore, the reticence of the Government prevented any progress. He believed that there was no question of greater importance affecting the well-being of such a large body of the people. The interest in the question was shown by the large number of temperance societies which had been established, the meetings which had been held, and the money which had been subscribed for, among other things, the establishment of coffee-houses and labourers' clubs throughout the country; therefore, he trusted that the matter might be taken fairly in hand by the Govern-

ment; but he must confess that he had his misgivings on that point, in consequence of the inaction on the part of the Executive which had followed the labours of other Select Committees and of Royal Commissions. His experience was that Committees and Commissions were appointed readily enough, but that, unfortunately, no legislation resulted from their labours. There had been a Committee on Railway Accidents and one on Noxious Vapours; but, beyond the collection of evidence, where was the legislation on either subject? There were many among the 20 recommendations made by the Select Committee on Intemperance, the adoption of which might be effected with great public advantage and without delay or difficulty. Such were the recommendation that beer licences should be put on the same footing as spirit licences; that transfers of licences should be refused on the same grounds as renewals were now; that no transfer of a licence should be granted without an opportunity of objection having been afforded to the inhabitants of the locality; that there should be a further restriction as to the hours at which public-houses were open in the early morning, when they afforded a temptation to men going to work; and the question of Sunday closing should be dealt with. He thought that the practice of taking out six-day licences could only be carried out by a general law, for it was hardly to be expected that a landlord would take out a six-day licence when all his rivals took out one that would enable them to supply his customers on Sunday. Such a system should be made general; and he was also of opinion that all convictions, as a matter of record, ought to be endorsed on the licences. The recommendations of their Lordships' Committee were plain and simple, and could be easily included in a short Bill which would receive the support of the country.

THE EARL OF FIFE said, that the question before the House was one of those the importance of which the Government felt as strongly as the noble Earl who had opened the discussion (the Earl of Onslow). The Report to which the noble Earl had alluded emanated from a Committee of their Lordships' House, composed of men who had sat for three Sessions, and given

great attention to the difficult and delicate social questions involved in this matter, and whose opinion could but carry great weight in their Lordships' House. He must, however, confess that, on rising from the perusal of that Report, one's feelings were of a somewhat mixed nature, and he might even add of some confusion. There were in this voluminous Report no less than 20 recommendations; but the one which seemed to him both the shortest and the clearest was undoubtedly number 7, which said in rather less than a line that a considerable increase should be made in the licence duty. Those of their Lordships who had followed the Financial Statement lately made by Mr. Gladstone in the other House of Parliament would be aware that that recommendation had been acted upon at the very earliest opportunity, and that it was now proposed to make a very considerable increase in the licence duties. On one point they must all be of one mind, and that was that it was their duty to do everything in their power to mitigate the evils of drunkenness that were only too prevalent in this country. Upon that point everyone agreed; but when they arrived at that point of agreement, temperance reformers joined issue on almost every detail. Some were in favour of total suppression of the liquor traffic, and others were in favour of what was called free trade in liquor; while others again put forward schemes of varying complexity, such as the Gothenburg system, and the more practicable proposals connected with licensing boards. However interesting and admirable the Report was, unfortunately it was hardly possible to find in it any one complete scheme which the Legislature were invited to adopt. The entire suppression of the liquor traffic was hardly possible or practicable in the present state of the public mind, nor would the policy of perfect freedom be likely to recommend itself to any large section of the community. The question of the hours of closing was one which had been under the consideration of successive Governments, and was one in which they had introduced many alterations of various sorts. For his own part, he very much doubted whether these changes really very much affected the general questions of the temperance or intemperance of the people. With

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regard to the Gothenburg system, of which we had heard so much lately, that seemed to him one more interesting to study than easy to adopt. He begged their Lordships to consider for one moment the enormous difficulties surrounding such a scheme. They were all aware of the complicated questions which arose on the comparatively simple proposal to buy up the eight Water Companies of the Metropolis. Could anyone imagine calmly the gigantic dimensions of a proposal to buy up and manage the thousands of public-houses in the same area? Perhaps the most promising part of the subject was that which was connected with the whole question of licensing, and how far the power of granting licences should be vested in the ratepayers, or in Boards directly elected by them. The last General Election had shown that the temperance forces in the country had considerably increased, and that there was a growing feeling in favour of some sort of Local Option, and possibly in favour of some restrictions in the Sunday liquor traffic. But he would venture to say that it was hardly fair or reasonable to expect that a Government which had been so short a time in Office, and had had, in the ordinary course of affairs, so many and such great questions pressing simultaneously for immediate solution, could have already elaborated a legislative proposal on a subject which had pre-eminently baffled the ingenuity of successive Administrations. Those who were most earnest in the cause of temperance reform would admit that it was hardly one of those questions in which it would be wise to go far ahead of public opinion, as any excess in the direction of restraint might have the opposite effect to that which they all wished, by causing a reaction to set in. For, after all, they must not lose sight of the redeeming features of this distressing subject. Recent legislation, upon the whole, had had a beneficial effect throughout the country by producing good order in the streets, and, probably, it was possible to do still more in that direction. Drunkenness had not increased in the rural districts of England and Scotland, nor in Ireland. As a rule, the higher classes of artisans were becoming more sober, drunkenness being more confined to the lowest grades of the community, where education had not yet kept pace with the growth of

wages. It must also be recollected that the police arrangements were far better than in former years, and that, consequently, they heard of more apprehensions for drunkenness. While, on the one hand, with increasing prosperity, the expenditure in alcoholic liquors per head of the population had undoubtedly increased, yet, on the other, the consumption of tea, sugar, meat, and tobacco had increased in a far more notable ratio. The Select Committee itself, indeed, pointed out that a large proportion of the increase was owing to commercial prosperity, and to the increased consumption of alcoholic drinks by those who might be described as temperate drinkers. In conclusion, he wished to say that the Government were both earnest and anxious in this question, in the direction of its advancement. The whole matter was under their consideration. They were noting the various changes which had taken place, and were now taking place in public opinion, and they hoped at no distant date to introduce a measure which might mitigate some of the worst features of this lamentable evil.

LORD ABERDARE said, he had for a long time taken a deep interest in this subject, and would be rejoiced to see it dealt with in a large and comprehensive measure. They must all feel the necessity of watching carefully all those changes in legislation which were being made with regard to the opportunity of making local experiments respecting the time of opening and closing public-houses, and it was essentially desirable that public opinion should be consulted in this matter as much as possible. The early closing movement in Liverpool had been attended with great success. He did not ask the Government for any declaration of their intentions with respect to any future legislation they might have in view upon the subject, for he thought it was far better at present that they should not be called upon to express any opinion whatever, seeing that they had not yet had sufficient time to come to a conclusion on the subject before their Lordships. He (Lord Aberdare) quite shared in the difficulty with which the question was surrounded. In his opinion, there were insuperable obstacles to the adoption of the Gothenburg system in this country. All he wished at present was that localities where a desire existed for the trial of experiments, such

as those which had been carried out in Birmingham and Liverpool, should be empowered to gratify their wishes, for it was only by means of experiments that they could hope to arrive at a practical solution of the existing difficulties.

THE EARL OF KIMBERLEY said, he was very grateful to his noble Friend (Lord Aberdare) for saying that he did not wish the Government to pledge themselves to any particular course of action in connection with the Licensing Laws. The subject was one of considerable complexity, and though the Committee appointed to inquire into it had been able to make a number of small, but not uncalled for, recommendations of a not unimportant character, there still remained several points upon which it was very much more difficult to form a conclusive opinion. Allusion had been made to the question of Local Option, and the position which that question had assumed had been pointed out to their Lordships. One thing only was certain with regard to it—namely, that there was a very great and increasing desire throughout the country that, in some shape or other, power should be given to the inhabitants of a town to determine how many licences ought to be granted in the locality. Beyond this point the question as yet had not passed. Everyone who had examined the question thought that the wishes and opinions of the inhabitants of a locality, and especially of the working classes, ought to be very fully considered; but, on the other hand, no one had yet suggested a practical scheme for satisfactorily carrying this principle into effect. The Committee were unable to make such a suggestion; and, therefore, they declined to publish any positive recommendation on the subject. One suggestion made to the Committee was that power similar to that exercised in the Gothenburg scheme should be given to a municipality to deal with local licences by purchase. He had voted against that recommendation, because, though some such scheme might work in large towns, in small ones its successful application would be very doubtful. One thing would be apparent to anyone who read through the evidence that came before the Committee—namely, that it was almost impossible to establish a conclusive theory as to the causes of the prevalence of drunkenness. It was important that this point should not be

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lost sight of, because people were very apt to adopt, in accordance with their predilections, cut and dried theories as to the causes of drunkenness, and forthwith to imagine that it was in their power to furnish a remedy. In the evidence given before the Committee would be found a strong corrective to such views. The Committee, in the first place, found that drunkenness was to a great extent geographical, and that a curious line might be drawn from East to West, to the North of which drunkenness was very prevalent in large towns, and to the South of which it was much less prevalent. Another point worth attention was, that while it was generally assumed that drunkenness must vary in proportion to the number of public-houses in any particular place, the evidence before the Committee by no means verified the notion. Judging from the statistics relating to apprehensions for drunkenness, the Committee found that there were striking instances in which a very large proportion of public-houses in a town was not accompanied by a relative proportion of drunkenness. That showed that a mere diminution of the number of public-houses was not so certain a cure for drunken habits as some supposed. One of the most valuable results of the deliberations of the Committee was, that they had shown that the measure introduced by his noble Friend behind him (Lord Aberdare) was, on the whole, a most successful police measure. The next point to which he would refer was one in which the noble and learned Lord who sat on the Woolsack took great interest. His noble Friend (the Earl of Onslow) had said that there was a great deal of evidence from constables, clergymen, and others as to the great mischief done by shopkeepers' licences. Well, he was bound to say that, in his opinion, and in that of the majority of the Committee, the evidence given before them completely failed to prove that any appreciable increase of drunkenness could be ascribed to those particular licences. They were licences which were possibly liable to attack on various grounds; but no direct evidence had yet been produced of an immediate connection between them and the prevalence of drunkenness. He had not found the assertions with regard to alleged increase of drunkenness among

women supported by the evidence, and as to grocers' licences, they were only some 5,000 out of a total of nearly 100,000 licences for the sale of intoxicating drinks. He merely made these remarks to show the noble Lord that he had not lost his interest in the subject. He did not now think it desirable to express any decided opinions on the subject, as he wished to, come unfettered to the consideration of the matter, if the Government should think it proper to bring in a Bill.

CYPRUS — THE HARBOUR OF FAMAGOUSTA.

QUESTION. OBSERVATIONS.

THE DUKE OF SOMERSET, in rising to call attention to the Report of Mr. Ormiston on the Harbour of Famagousta, which had been laid on the Table of the House; and to ask, Whether Her Majesty's Government have decided upon the execution of the works proposed? said, that if it was intended to convert the harbour into a military harbour, then there must necessarily be the further expense required for fortifying it. He was not at all satisfied with the tenure upon which we held Cyprus, for it was repugnant to one's ideas of propriety that the Queen of England should hold the Island as a tributary of the Sultan of Turkey. Further, it was not only a serious derogation to our position, but also a serious injury to the people of Cyprus, for we had to contribute to the Sultan £100,000 a-year in respect of Cyprus—that was, that we had, for him, to act as tax-gatherer over the people. We had, it was said, taken the Island as a model to show how well we could govern the country; but the facts were that we were obliged, in order to pay this tribute, to tax every fruit, every crop, every sheep, every goat, and we prevented the gathering of the crops until the taxes had been paid; so that we interfered with the whole industry of the people. We had to do this in order to carry out the mischievous financial policy of Turkey. It would be well that we should consider our position, especially in reference to the expenditure upon the Island. There would be a much larger commerce carried on by the Greeks, Turks, and Armenians if they knew that we were going to remain in possession of the ter-

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ritory; but in the present uncertain condition of things these people were prevented from making any outlay. They knew that we had handed over the Ionian Islands to Greece; and it was not known that we might not hand over Cyprus to Turkey or to some other country. He thought that, as they had had possession of the Island for two years, the Government ought to be able to state something as to their policy with regard to it. He regretted that the noble Earl the Secretary of State for Foreign Affairs (Earl Granville) was not in the House. He understood there was a plan to hand over the Island to the Secretary of State for the Colonies; but that plan had not yet been fully carried out. The laying of the Report upon the Table would be a good opportunity for such a statement being made. He should be glad to know what the policy of the Government was, or, in other words, what was the intention of the Government with regard to the Report which had been laid on the Table. Perhaps the noble Earl the Secretary of State for the Colonies would give them some information on the subject. The estimated cost of the improvement of the harbour in question was from £270,000 to £350,000, and that would not be sufficient to make it an effective military harbour.

LORD LILFORD said, that he took great interest in the Island of Cyprus, and had done since the commencement of their occupation of it. He had made some remarks some time ago upon the question, and he still maintained that their occupation was one of the wisest acts ever done by a British Government; but he agreed with the noble Duke (the Duke of Somerset) that the manner in which they now held the Island was most unsatisfactory. Some people said it was a bad bargain; but he (Lord Lilford) did not think so. He should be glad to know from the Government whether they had made any arrangement for discharging the annual payment now made to the Sultan by paying down a lump sum? His own acquaintance with the Island was not that it was exactly a Garden of Eden; but it might be made very productive. What was wanted was irrigation, drainage, and so on; and he had no doubt, with British enterprize, under an intelligent Government, and with money spent upon it, the Island might be made very productive, and in

a few years it would be made a rich and flourishing Colony of England. He was glad to hear that the management of the Island was to be handed over to the Colonial Office.

THE EARL OF KIMBERLEY said, in the absence of his noble Friend the Secretary of State for Foreign Affairs (Earl Granville), it fell to him, as presumptive heir to the Island, as he might be called, to reply. He had never had any hesitation in saying that the mode in which Cyprus was acquired was most unfortunate, and that the tenure by which the Island was held most embarrassing and disagreeable. But if the Island was handed over to the Colonial Office, no opinion that he held on these points would prevent him doing the best he could to render the Island prosperous and a valuable possession—if he might say so, seeing the conditions under which it was held—to this country. Although one might be anxious to make the best of a bad bargain, as he (the Earl of Kimberley) was in this case, yet it was impossible to convert a bad bargain into a good one at will. If this was an ordinary Colony, there might be many modes by which money could be raised for improvements in the Colony, and for the creation of a military harbour; but to embark upon a large expenditure on an uncertain tenure would be a difficult operation, and would require much consideration. The estimate of £350,000 for the works which had been referred to would represent but a small proportion of the sum which it would be necessary to expend in order to construct a great military harbour, because, if they created a harbour in which ships of war were to lie, it would be to the last degree imprudent not to defend it against an enemy, otherwise they might have the place seized and turned against themselves. Therefore, the Report, which had been made by, he believed, a very competent engineer, only touched one portion of the subject. Then, besides the fortifications, there was the healthiness of the position to be considered. If the spot was really an unhealthy one, it would hardly be a desirable place in which to post a garrison; and, on the other hand, without a garrison the harbour would not be safe. It was a question whether Famagousta could be converted into a healthy position; and, if so, at what

cost. He was bound to say that the whole subject of Cyprus, whether as regarded their tenure of the Island, or as regarded the possibility of rendering it useful as a great military or naval station, or for any other purpose whatever, seemed to him to be so difficult, and to involve considerations of so various a character, that he hoped their Lordships would excuse him if he did not now pledge himself to the course which should be taken. All he could say was, that his noble Friend the Secretary of State for Foreign Affairs had fully before his eyes the difficulties they were placed in with respect to their relations with the Porte, and that, for his own part, if he had to undertake the Administration of the Island, he would give the whole subject his best consideration with a due sense of its importance.

VISCOUNT CRANBROOK said, it was clear, from the observations of the noble Earl the Secretary of State for the Colonies (the Earl of Kimberley), that that was a very inconvenient occasion on which to enter into a full discussion of the question relating to Cyprus. But when the time came that the noble Earl opposite should have the subject fully under his consideration, if the noble Duke (the Duke of Somerset) should then bring it forward, it would probably be desirable for the Members of the late Government to take part in the discussion. At present, he (Viscount Cranbrook) contented himself with simply reserving their right to take part in such a discussion hereafter.

NAVY—THE TYPE OF TRAINING SHIPS.

QUESTION. OBSERVATIONS.

THE EARL OF RAVENSWORTH rose to ask the First Lord of the Admiralty, Whether, after the bitter experience of the loss within two years of the training ships "Eurydice" and "Atalanta," the Board of Admiralty contemplate building one or more sailing ships expressly for "training" purposes; and, if so, what is the type of ship they propose to build? He observed that the loss of those two ships, with 600 gallant young lives, was a calamity which had sunk very deep into the heart of the nation. But there was mingled with the sense of national sorrow at that sad event something akin to the feeling of doubt and apprehension in many

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quarters whether we had at our disposal the best possible ship for training purposes. It was, therefore, with a view to allay such doubts and apprehensions that he had put his Question on the Paper; and he hoped that satisfactory information on the point might be supplied from the highest official source. It was well known that seamen to be properly trained must be on board sailing ships; and if there were any attempt to combine steam and sail they must sacrifice some advantage or other. He assumed, therefore, that they must continue to employ sailing ships for the purpose of training their young seamen, if they intended to keep up the reputation of this country for seamanship. His own opinion was that they must employ smaller sailing ships. The very size of the vast structures in our Navy rendered them unsuitable for this purpose. Perfection had by no means been yet attained in shipbuilding; but probably the introduction of steel as a material for ships would very materially tend to solve the problem in reference to acquiring lightness and speed. It would, however, be a calumny to say that we had not in the Navy the most magnificent type of sailing ships that the world had ever seen; but if, however, there were not now to be found either in commission or in reserve vessels in every respect adapted for training ships, he thought that no time ought to be lost in constructing one or more. He meant by perfect in every respect that they should be perfect in seaworthiness, perfect as to accommodation, and perfect in the possession of every appliance which art and science could suggest for obviating the dangers of the sea. Of this he felt certain, that whatever the highest ingenuity might contrive in regard to the construction of the ships of the Royal Navy, we should have, whenever the hour of trial came, to depend, as we had depended hitherto, on the skill, the smartness, and the pluck of the British sailor; and his contention was that if the interests of the Navy were to be maintained, they would never be able to dispense with that part of the sailors' education which was conducted on board of a sailing vessel. The noble Earl concluded by asking the Question of which he had given Notice.

THE EARL OF NORTHBROOK said, he fully appreciated the motives of his

noble Friend (the Earl of Ravensworth) in bringing the subject forward. In answer to the Question which he had been asked, he had to say that the Admiralty were not about to build a sailing ship for training purposes. The programme of shipbuilding for the present year had for some time been settled, and it was impossible to make any considerable alteration in that programme. The matter, however, did not press. The Board of Admiralty thought that the decision of the question, whether any change should be made in the manner of training seamen for the Fleet, should be deferred until the Report of the Committee appointed to inquire into the loss of the *Atalanta* had been presented. The inquiry of that Committee would not be made specifically into what was the best kind of ship to be used for the training of seamen, because that was a subject which he thought would be best determined upon the responsibility of the Board of Admiralty. At the same time, it was possible that the question might be affected to some extent by the Report of the Committee. In the meantime, he was not able to give any further answer to his noble Friend, except to assure him that that subject was one which the Board of Admiralty deemed to be of very great importance, and one to which they would direct their most serious attention.

House adjourned at a quarter past
Seven o'clock, till Monday
next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 2nd July, 1880.

The House met at Two of the clock.

MINUTES.]—NEW WRIT ISSUED—*For* Evesham, *v.* Daniel Rowlinson Ratcliffe, esquire, void Election.

NEW MEMBER SWORN—Sir Sydney Waterlow, baronet, *for* Gravesend.

PRIVATE BILLS (*by Order*)—*Considered as amended*—Kings Lynn Corporation*; Nottingham Corporation*.

PUBLIC BILLS—Committee—Employers' Liability (*re-comm.*) [209], *debate adjourned.*

Report—Inclosure Provisional Order (Abbotside Common)* [218]; Local Government (Ireland) Provisional Orders (Ballinasloe, &c.)* [220]; Local Government Provisional Orders (Aberavon, &c.)* [125]; Local Government Provisional Orders (Eastbourne &c.)* [189]; Local Government Provisional Orders (Fleetwood, &c.)* [199]; Artizans' and Labourers' Dwellings (Scotland) Provisional Order (Leith)* [200].

Mr. CHARLES BRADLAUGH, one of the Members for the Borough of Northampton, claiming to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, made and subscribed a solemn Affirmation in the form prescribed by "The Parliamentary Oaths Act, 1866," as altered by "The Promissory Oaths Act, 1868."

CONTROVERTED ELECTIONS.

Mr. SPEAKER informed the House, that he had received from Mr. Justice Denman and Mr. Justice Lopes, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the Election for the

Borough of Thirsk:

And the same were read, as followeth:—

THIRSK ELECTION.

Parliamentary Elections Act, 1868.

To The Right Honble.

The Speaker of the House of Commons.

We, the Honble. George Denman, and Sir Henry Lopes, kt., Judges for the trial of Election Petitions in England, do hereby certify that upon the 30th day of June 1880, and the following day, We held a Court at York for the trial of, and did try, the Election Petition for the Borough of Thirsk, between Samuel Bradley Willcock, Robert Skilbeck, Thomas Humphrey, and David Meek, Petitioners; and the Honble. Lewis Payn Dawnay, Respondent.

And we certify that the said Respondent was duly elected and returned.

And whereas charges were made at the said Election of corrupt practices having been committed at the said Election, we, in further pursuance of the said Act, report in writing to you as follows:—

1. That no corrupt practice was proved to have been committed by or with the knowledge or consent of any Candidate at the said Election.

2. That we have reason to believe that corrupt practices extensively prevailed at the said Election.

GEORGE DENMAN.
HENRY C. LOPES.

York,

July 1st 1880.

And the said Certificate and Report were ordered to be entered in the Journals of this House.

MOTIONS.

PARLIAMENT—TEWKESBURY WRIT.

LORD RICHARD GROSVENOR moved—

“That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Tewkesbury, in the room of William Edwin Price, esquire, whose Election has been determined to be void.”

MR. J. R. YORKE reminded the House that in the case of the Evesham Election Petition the learned Judges appointed to try it had reported that they had no reason to believe that corrupt practices extensively prevailed at the late Election, and that they confined themselves strictly to the evidence before them. The Attorney General in that case submitted a Motion for the production of the shorthand writer's notes of the evidence, in order that the House might have an opportunity of considering it. Now the case for Tewkesbury was the same as that for Evesham, with this exception, that the Judges did not state that they had confined themselves to the evidence before them. The two cases were evidently to be governed by the same principle, and should stand or fall together. He should propose, therefore, that the Writ be suspended until the shorthand writer's notes of the evidence were in the hands of Members, and that, should it then appear to the House to be necessary, a Select Committee should be appointed to consider the evidence.

SIR GEORGE CAMPBELL agreed with the hon. Member that the House ought to be in possession of the facts of the case. He should, therefore, move as an Amendment—

“That the Writ be postponed till the Shorthand Writers' Notes of the proceedings on the Election Petition are printed.”

The law, notwithstanding the powers of the Judges, was not effectual for the discovery and punishment of corrupt practices. He begged to call attention to the fact that the Report of the Election Judges in this case, as in the case of the Evesham Petition, did not report that no corrupt practices prevailed, but that from the evidence before them there was no reason to believe that corrupt practices extensively prevailed. It was quite clear this peculiar form of words was used

as warning that there was a great deal of suspicion connected with the case. Tewkesbury and Evesham were two of the smallest boroughs in England, and it was most desirable to show that such constituencies were not corrupt. Of late years the expenses of contested elections had been enormously increased, and the last Election was the most expensive that ever occurred. Very soon the House would be driven to consider the matter, because if the expenses of elections were to increase at their present rate none but a rich man could possibly obtain a seat in Parliament. The evil effect of this was seen in the fact that landed squires, manufacturers, and the rich men were those who resisted the various measures of the Government though professing to be Liberals. The mode of conducting Election Petitions now-a-days was to establish one or two cases, prove the agency, then shake hands all round, and withdraw from the case. His Motion might be objected to on the score of expense, and he might be referred to the manuscript evidence. He had seen the manuscript evidence about an hour before; but he submitted that in view of the facts he had stated the House should have an opportunity of carefully considering the evidence, and to that end he begged to submit the Motion in his name.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the Writ be postponed till the Shorthand Writers' Notes of the Proceedings on the Election Petition are printed,”—(Sir George Campbell,)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, he should not attempt to deal with the minor questions often mixed up with the one under consideration—such as the disfranchisement of small boroughs, or the growth of election expenses; but he was going to ask the House to lay down, by its vote on the Motion before it, some general principle on which it should proceed in all such cases; for if they were to act on vague words contained in an Election Petition Report, it was obvious they must involve themselves sooner or later

in some very unsatisfactory conclusions. When a Report by the examining Judges contained the statement that there was reason to believe that corrupt practices had extensively prevailed a Commission was issued, and until the Report of the Commissioners was received the Writ was not issued. But if the Judges were silent on the subject, or reported that there was no reason to believe that corrupt practices had extensively prevailed, the House had proceeded, after two day's Notice, almost without exception, to order that the new Writ be issued. The reason for that course was—first, that the constituency should not be deprived of its right of election, and also that there should not be interposed any long period of excitement in the constituency. When the Motion for the issue of the Evesham Writ was made, the hon. Member (Mr. J. R. Yorke) called attention to the words of the Judges, that—

“From the evidence before us, to which we have confined our attention, there is no reason to believe that corrupt practices extensively prevailed in the said election.”

These words were somewhat peculiar; and, therefore, the Government, when their attention was called to them, yielded to the suggestion that there should be a delay in the issue of the Writ. Well, that delay had occurred, the evidence in relation to the Evesham Election Petition had been printed, and now, when the present Motion was decided, a Motion was about to be made to issue a new Writ for Evesham. He hoped hon. Members had read the evidence in the Evesham case. He had himself read it, and he confessed he had never read a weaker case for the supposition that corrupt practices had extensively prevailed at the late Election. The Evesham Writ had been withheld for 14 days in order to enable them to know what was the meaning of the words used by the learned Judges. In the case of Tewkesbury, the Report contained words not usually found in these Reports, and he must say he did not know what the learned Judges meant. They could not act upon suspicion like his hon. Friend. The Judges were bound to confine their attention to the evidence; if they did not, they were wandering away from the duty cast upon them. If this Motion was not conceded the House should understand its position. If it deter-

mined to proceed, not on evidence, but on newspaper reports, and said there was something in those reports that should induce them to withhold the Writ for an indefinite time, that would be treacherous ground to take action on. If the Judges failed to report that corrupt practices extensively prevailed, the House ought not to listen to newspaper reports or gossip in the Lobby. In justice to the constituency, he thought the House should agree to the Motion of the noble Lord.

Mr. J. R. YORKE thought the hon. and learned Gentleman's speech illustrated the extremely unsatisfactory state of the law. If he understood the argument of the hon. and learned Gentleman it came to this—that unless the Judges had legal evidence that corrupt practices extensively prevailed they were to be silent. But it was well known that parties to Election Petitions tried to minimize such matters, and counsel on each side ended by complimenting each other. It was actually made a subject of compliment the other day that a gentleman did not enter the witness-box to deny certain acts of bribery attributed to him. In the case of Tewkesbury the Judges were even more emphatic than in the case of Evesham, for they said, having regard to the evidence to which

“We have strictly confined ourselves, there is no reason to believe that corrupt practices extensively prevailed.”

The Judges, in fact, had endeavoured to invent a formula which would give the House to understand the impression left upon their minds. He thought, therefore, that a Special Committee ought to be appointed to inquire into the whole circumstances before a new Writ was ordered to be issued. What he contended was that, if the House had reason to believe that corrupt practices had extensively prevailed, then it should act upon that belief. The Attorney General's argument was that, though the Judges had reported in somewhat significant terms, since they had not distinctly stated that corrupt practices had extensively prevailed, the House could not take action upon it. He ventured to submit, however, that the House had not parted with its final jurisdiction in the matter. If the House wished to put down corrupt practices, it must alter the grossly unsatisfactory

MOTIONS.

PARLIAMENT—TEWKESBURY WRIT.

LORD RICHARD GROSVENOR moved—

“That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Tewkesbury, in the room of William Edwin Price, esquire, whose Election has been determined to be void.”

MR. J. R. YORKE reminded the House that in the case of the Evesham Election Petition the learned Judges appointed to try it had reported that they had no reason to believe that corrupt practices extensively prevailed at the late Election, and that they confined themselves strictly to the evidence before them. The Attorney General in that case submitted a Motion for the production of the shorthand writer's notes of the evidence, in order that the House might have an opportunity of considering it. Now the case for Tewkesbury was the same as that for Evesham, with this exception, that the Judges did not state that they had confined themselves to the evidence before them. The two cases were evidently to be governed by the same principle, and should stand or fall together. He should propose, therefore, that the Writ be suspended until the shorthand writer's notes of the evidence were in the hands of Members, and that, should it then appear to the House to be necessary, a Select Committee should be appointed to consider the evidence.

SIR GEORGE CAMPBELL agreed with the hon. Member that the House ought to be in possession of the facts of the case. He should, therefore, move as an Amendment—

“That the Writ be postponed till the Shorthand Writers' Notes of the proceedings on the Election Petition are printed.”

The law, notwithstanding the powers of the Judges, was not effectual for the discovery and punishment of corrupt practices. He begged to call attention to the fact that the Report of the Election Judges in this case, as in the case of the Evesham Petition, did not report that no corrupt practices prevailed, but that from the evidence before them there was no reason to believe that corrupt practices extensively prevailed. It was quite clear this peculiar form of words was used

as warning that there was a great deal of suspicion connected with the case. Tewkesbury and Evesham were two of the smallest boroughs in England, and it was most desirable to show that such constituencies were not corrupt. Of late years the expenses of contested elections had been enormously increased, and the last Election was the most expensive that ever occurred. Very soon the House would be driven to consider the matter, because if the expenses of elections were to increase at their present rate none but a rich man could possibly obtain a seat in Parliament. The evil effect of this was seen in the fact that landed squires, manufacturers, and the rich men were those who resisted the various measures of the Government though professing to be Liberals. The mode of conducting Election Petitions now-a-days was to establish one or two cases, prove the agency, then shake hands all round, and withdraw from the case. His Motion might be objected to on the score of expense, and he might be referred to the manuscript evidence. He had seen the manuscript evidence about an hour before; but he submitted that in view of the facts he had stated the House should have an opportunity of carefully considering the evidence, and to that end he begged to submit the Motion in his name.

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—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

THE ATTORNEY GENERAL (*Sir Henry James*) said, he should not attempt to deal with the minor questions often mixed up with the one under consideration—such as the disfranchisement of small boroughs, or the growth of election expenses; but he was going to ask the House to lay down, by its vote on the Motion before it, some general principle on which it should proceed in all such cases; for if they were to act on vague words contained in an Election Petition Report, it was obvious they must involve themselves sooner or later

MR. J. R. YORKE said, that the Prime Minister had misrepresented his argument. What he had urged was that the House ought to reserve to itself the power of considering the evidence in each case, and that, if necessary, a Committee should be appointed to consider the matter; not, as the right hon. Gentleman put it, that in every case a Committee should be appointed—that would be absurd.

MR. GORST observed, that the Attorney General had specially invited the House on the present occasion to lay down a general rule, and the hon. Member for East Gloucestershire (Mr. J. R. Yorke) was only following the lead of the hon. and learned Gentleman. He was surprised to hear the Prime Minister refer to the mischievous Act of last Session; but the Act received the support of the present Under Secretary of State for Foreign Affairs. [Sir CHARLES W. DILKE: No, no!] The hon. Gentleman said that the payment of cabs ought either to be made a corrupt practice or it must be legalized, and he did not care which. The late Government, following the hon. Baronet's advice, had resolved to legalize the payment.

MR. SPEAKER pointed out to the hon. and learned Member that the Question before the Chair was the issue of a new Writ for Tewkesbury.

MR. GORST said, that he would, of course, obey the ruling of the Chair; but he had been led into the digression by the example of the Prime Minister. Another reason why they should institute an inquiry into these matters was to see how far these corrupt practices were influenced by the Circular issued by the Liberal Party, and for which hon. and right hon. Gentlemen on the Treasury Bench were responsible. In the case of Tewkesbury the Judges had made an extraordinary Report. It was neither affirmative nor negative. It stated that, so far as the evidence was placed before them—and they had strictly confined their attention to it—no corrupt practices had prevailed. There was great danger that only a small fraction of the case had been brought before the Judges. It would, therefore, be wise, he thought, that a Committee should in such cases be appointed.

MR. H. SAMUELSON said, the hon. and learned Gentleman the Member for Chatham (Mr. Gorst) had misrepre-

sented the Attorney General, who did not ask the House to lay down a general rule on the present occasion, but only to follow the rule hitherto observed. It was not the duty of Election Judges to make fishing inquiries, but to take the evidence that came before them, and upon that to make their Report to the House. It would be an endless proceeding if they were to begin to go behind the judgments of Election Judges. If the proceedings in their Courts were unsatisfactory, the only thing to do was to revise the law under which the trial of Petitions was conducted, and on that view there was nothing exceptional in this case. A judgment had been given at Plymouth, which struck many people as extraordinary; but they did not find hon. Members opposite rising to oppose the issue of a Writ for that place. Hon. Members opposite were, however, always eager to oppose the issuing of Writs for Liberal boroughs, and the effect of their doing so was to obstruct the progress of Public Business; but the country would understand, as the House did, why such a course was resorted to, especially when it observed who some of the Members were who took a leading part in such discussions. He hoped the House would not consent to the temporary disfranchisement of the borough of Tewkesbury by refusing to issue the Writ.

MR. WARTON protested against the insinuations made by the hon. Member who had just sat down. He did not approve of the action of his hon. Friend the Member for East Gloucestershire (Mr. J. R. Yorke); but he was convinced that his motives were perfectly pure. The only reason why Liberal Writs came before the House so frequently was that twice as many Liberal Members were unseated for bribery as Conservatives.

Question put.

The House *divided*: — Ayes 238; Noes 53: Majority 185.—(Div. List, No. 37.)

Main Question put, and *agreed to*.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Tewkesbury, in the room of William Edwin Price, esquire, whose Election has been determined to be void.

state of the law as regarded the constituencies, which in nine cases out of ten were in fault rather than the candidates. Election after election was conducted by persons who rejoiced in their iniquity, and the impunity with which their practices were attended, and the tradition was handed down to their descendants.

MR. RODWELL was of opinion that the House would run very great danger if it adopted the course recommended by his hon. Friend, because then they would take it upon them to review the decision of the Judges. It would be very unfortunate for that House to constitute itself a sort of Court of Appeal from the decision of the Judges, because they could only deal with the same evidence which the Judges had before them. In former times, whenever they had reason to suspect that evidence was withheld, the law gave them power to issue a Commission, and the Speaker had authority for appointing counsel to inquire into the whole circumstances of the case. A corresponding power was now placed in the hands of the House when the Judges reported that there was reason to believe that corrupt practices had extensively prevailed. The proposition laid down by the Attorney General was the only sound and proper one.

MR. GLADSTONE thought the hon. Member for East Gloucester (Mr. J. R. Yorke) deserved all possible praise for his zeal as to the repression of corrupt practices. During the lifetime of the present Parliament there would, no doubt, be ample opportunity for the development of that zeal; but it was to be regretted that the hon. Gentleman did not show the same zeal in preventing, at the close of the last Parliament, the hurried passing of a most mischievous measure bearing on corrupt practices. The question now before the House was whether it was convenient that every Motion for the issue of new Writs should be made the occasion of a discussion as to the general principle on which they ought to proceed with regard to corrupt practices. At the present moment it was inconvenient, and greatly interrupted the progress of Public Business, that they should have rambling discussions of this nature, which appeared to aim, not at the establishment of general rules, but at exceptional proceedings, bringing into question, if not the integrity, certainly

the judgment, of the Judges to whom they had intrusted this very important matter, and really constituting an obstacle to the House arriving at any right decision. The proposal of the Attorney General was that they should proceed by general rules; but the suggestion of the hon. Member was that when Reports of this kind were presented to the House a Select Committee should be appointed to make an inquiry, the Writ being meanwhile suspended.

MR. J. R. YORKE: I rise to explain. ["Order!"]

MR. SPEAKER: The right hon. Gentleman is in possession of the House.

MR. J. R. YORKE: I merely wish to make an explanation. ["Order!"]

MR. SPEAKER: If the hon. Member desires to make an explanation he can do so, with the indulgence of the House, at the close of the right hon. Gentleman's remarks.

MR. GLADSTONE: It was necessary that they should have some definite method of procedure with regard to individual cases, and that definite method of procedure they were not establishing now for the first time. The trial of Election Petitions by Judges had been in force during the existence of two Parliaments; and he believed it had been a uniform rule to institute a Commission when the Judges reported that corrupt practices had extensively prevailed. When, however, the Judges reported that there was no evidence of corrupt practices having extensively prevailed, the House, bearing in mind that the proceedings were penal as well as remedial, had felt bound not to offer obstacles to the issue of a Writ. That was the rule under which numbers of Writs had been issued with the general assent and concurrence of the House. Whether that rule should be altered or not was a grave question; but it was a question which should be raised in an independent way, and at a time when it could be sufficiently considered, and no good object could be gained by raising it on a Motion with reference to a particular borough which presented no exceptional circumstances. He hoped, therefore, the opinion of his hon. and learned Friend the Attorney General would be followed, only observing that the Government asked nothing but that the general Rules of the House should be maintained and adhered to.

Mr. J. R. Yorke

MR. J. R. YORKE said, that the Prime Minister had misrepresented his argument. What he had urged was that the House ought to reserve to itself the power of considering the evidence in each case, and that, if necessary, a Committee should be appointed to consider the matter; not, as the right hon. Gentleman put it, that in every case a Committee should be appointed—that would be absurd.

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Main Question put, and *agreed to*.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Tewkesbury, in the room of William Edwin Price, esquire, whose Election has been determined to be void.

PARLIAMENT—EVESHAM WRIT.

LORD RICHARD GROSVENOR moved that a new Writ be issued for the election of a Member for the borough of Evesham, in the room of Mr. Daniel Rowlinson Ratcliffe, whose election has been determined to be void.

SIR GEORGE CAMPBELL said, that after the last division it would be useless to oppose this Motion. The matter, however, was one in which he took great interest. The Attorney General must be a sanguine man if he thought that many Members had read the evidence which was adduced at the trial of the Election Petition recently. It had only been in the hands of hon. Members two days, and as the evidence was voluminous, probably not one Member in a hundred had mastered it. He differed entirely from the Attorney General, who seemed to suggest that there was not the slightest suspicion of extensive corrupt practices attaching to the borough of Evesham. Whether corrupt practices had extensively prevailed or not, he had no doubt that the election was won by money. He did not know whether the money was given in charity or from corrupt motives; but his surprise as to a gentleman who dropped his sovereigns about so indiscriminately was that one-half the borough constituencies in England did not invite him to stand. He could not say whether it was the candidate or the constituency that had been corrupt. It was possible that the candidate gave his money without any corrupt motive; but the voters of Evesham appeared to be like the innocent little birds they had seen who opened their mouths whenever they thought anything was likely to fall into them. Either the House had a discretion in the matter or it had not. If the House had no discretion, then legislation was urgently required, because there was no public tribunal by which these corrupt practices were sifted. If the House had a discretion it ought to exercise it and appoint a Committee to make further inquiries. His individual opinion was against the Motion; but he would not divide the House on the subject. He hoped, however, that, in order to afford the necessary time for careful perusal of the evidence, the Motion for issuing the Writ would be postponed until next Monday.

MR. ONSLOW supported the appeal for delay. This case was very different from that of Tewkesbury, as to which he voted with the Government. He appealed to the Government to give the House further time for reading the evidence taken at the time of the trial of the Evesham Election Petition. At the present time he would venture to say not a single Member had read the Paper now laid before the House, but which had not as yet been circulated to Members. He knew Evesham, and he ventured to say that no more corrupt constituency existed in the whole of England. A gentleman whom everybody would like to see in the House, not long ago visited the place, as he had been asked to contest the seat; but he was so horrified at what was expected of him, that he shook the dust from his feet, and would have nothing whatever to do with the place. It was a scandal that a borough of this kind should continue to be enfranchised, and he thought this was a case which the House ought to take up.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he could not understand what practical course was intended in asking for delay. Some Members had already read the evidence—among them the hon. Member for Kirkcaldy, who made no Motion. Were they to appoint a Committee to review the decision of the Judges, who had reported that corrupt practices had not extensively prevailed? Having looked at the evidence, he believed there was no ground for delaying the issue of the Writ.

MR. J. R. YORKE also thought it not unreasonable that the issuing of the Writ should be delayed until Monday, in order that hon. Members might have a further time to read the evidence taken. He had personally only had time to skim the evidence and the Report; but he could not help thinking, as the result of such perusal, that the facts disclosed showed a necessity for further inquiry. He was not going to move that the Writ should be suspended, because it was not improbable that before the Election Petitions were altogether disposed of some startling disclosures would be made, and he might then find it necessary to bring the whole matter before the House. He now submitted that sufficient time had not been allowed for the House to consider this subject.

Motion agreed to.

QUESTIONS.

INTERNATIONAL DISARMAMENT.

MR. RICHARD asked the Under Secretary of State for Foreign Affairs, with reference to the statement made by the First Lord of the Treasury to the effect that an endeavour was made in 1869 by Lord Clarendon, in conjunction with the Government of which the right honourable Gentleman was the head, to set in motion some measure to be at least a beginning of disarmament, Whether there are in the Foreign Office any records of the negotiations that then took place; and, if so, whether there will be any objection to lay them upon the Table of the House?

MR. GLADSTONE: Sir, I made the reference mentioned by my hon. Friend, as he will perfectly well understand, not in the nature of any contentious or polemical argument in defence of the Government; but, as I may with truth say, historically and for the purpose of paying what I thought was a very just tribute of honour to the memory of a very distinguished statesman and a most valued Colleague. Therefore it was that I felt myself justified in making that reference to his memory. The exact state of the case is this. The records show that I was mistaken in giving the date as 1869; it should have been 1870. In the Foreign Office are to be found records of the proceedings which concern the communication between Lord Clarendon and the Government of the Emperor of the French. The ulterior portion of the proceedings—the communications between Lord Clarendon and the German Government—are not to be found in the Foreign Office. I have no doubt whatever of what the meaning of that is—namely, that Lord Clarendon, with very good judgment and discretion, having to make a proposal to the German Government, determined to feel his way in the first instance unofficially, and, as I intimated in the debate, he then discovered that no practical progress could be made. In these circumstances, and, indeed, on general grounds, I hope my hon. Friend will not press for the production of these Papers, which are in the Foreign Office, and which are essentially one-sided. Moreover, the production of them might possibly seem like raising some controversy, or casting some imputations on the one Government or the

other. That was as far as possible from my intention, for I do not think that any fair ground for imputation rests on one side or the other.

FRANCE—EXPULSION OF THE JESUITS.

THE O'DONOGHUE asked the Under Secretary of State for Foreign Affairs, If Her Majesty's Government have remonstrated, or intend to remonstrate, with the French Government against their removing from their homes and banishing the Jesuits and members of other religious orders; and, if the Government intend taking any steps for the protection of those subjects of the Queen who are members of the Jesuit order, or of other religious communities in France?

SIR CHARLES W. DILKE: Sir, this Question having been placed on the Paper only last night, and appearing only this morning, we have had very little time to search for precedents; but, as far as the examination has yet gone, it has been found that on the numerous occasions when the Jesuits have been expelled from various European States, no remonstrance had ever been made by the British Government at any time. Owing to the short Notice which the hon. Member gave of his Question the examination is not yet complete; but there is reason to suppose that no remonstrance has in any case whatever been made on the subject. With regard to the second part of the Question, relating to British subjects, there has been no remonstrance made or address forwarded to the Foreign Office by any British subject affected by these decrees.

THE BRITISH BURMAH COMMISSION.

MR. WARTON asked the Secretary of State for India, Whether it is a fact that several young civilians from India have been placed in the British Burmah Commission over the heads of Military Officers who have served in that Commission for many years, and who had relinquished their position in the Army on the faith of promises of assured promotion in the said Commission?

THE MARQUESS OF HARTINGTON: No, Sir; I have no knowledge of the circumstance referred to by the hon. Member, and I do not find that any representation has been made on the subject to the India Office.

WAYS AND MEANS — INLAND REVENUE—THE INCOME TAX.

MR. NORTHCOTE asked the Secretary to the Treasury, If it is the case that Income Tax at the rate of 6*d.* in the £1 has been deducted from the salaries of permanent Civil Servants of the Crown for the quarter ending June 30th, notwithstanding the fact that the Supplementary Budget has not yet received the sanction of this House; and, if so, on what grounds this deduction has been made in the case of Civil Servants, whilst the Bank July Dividends bear a charge of only 5*d.* in the £1?

LORD FREDERICK CAVENDISH: Sir, the deduction of Income Tax from the Salaries of Civil Servants for the quarter ending June 30 has been made, in accordance with the provisions of Section 17 of the Customs and Inland Revenue Act, 1879, at the rate sanctioned by the Resolution of this House which was passed on the 11th of June last. The reason why the Bank July Dividends bear a charge of only 5*d.* in the pound is that the books of the Bank having been already made up, it would be extremely inconvenient, with so large a number of payments concerned, to require them to be re-adjusted to the new rate at so short a notice. The deduction in the next payment will be made at the rate of 7*d.*

ORDER OF THE DAY.

—o—o—o—

EMPLOYERS' LIABILITY (*re-committed*)
BILL.—[BILL 209.]

(*Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Dodson.*)

MR. MACDONALD, in rising to move—

"That no measure dealing with the Employers' Liability for Injuries sustained by their Servants can be accepted as a satisfactory solution of the question which admits, as a ground of defence in any action or proceeding brought for the recovery of damages or for compensation in respect to bodily injury or loss of life, that the person by whose negligence the injury or

loss of life is alleged to have been occasioned, was employed in a common employment with the person killed or injured,"

said, he had no intention to impede the progress of the Bill; but it was desirable that he should point out to the House certain things in connection with the subject of employers' liability that perhaps the House was not aware of or did not understand. The present law inflicted an injustice upon the workmen, and it was very desirable that some effective measure of redress should be considered and passed. In this country, and in every other country, the most dangerous form of law was Judge-made law, and for the reason that it was continually altering and changing, and in that state which Lord Cairns described as maturing. He feared, however, that it was maturing in the wrong direction, affecting as it did the liberties and rights of the people. He admitted that the case of *Priestly v. Fowler*, which was decided by a single Judge, not on appeal by the House of Lords, ruled the cases in England; but it had no power over the Scotch Courts. In Scotland the law was even broader than the Bill brought in by the Government, and that was seen from a case that occurred in Scotland many years ago. In that case two men were killed in consequence of the engineer who wound them up from the pit falling asleep in the middle of the operation. That case came before the Scotch Court, and was decided in favour of the wives and children of the two men. It was then removed to the House of Lords, where the decision was reversed on the law as interpreted in the case of *Priestly v. Fowler*, and the Judge whom the case originally came before said that might be the law of England, but he hoped and trusted he might never live to see it the law of Scotland. In another case, the colliery manager, who acted in every respect as the employer, was held to be the fellow-workman of the man who had been killed; and, therefore, the employer was not responsible. The argument had been used that if the doctrine of common employment were removed it would be oppressing the employer, and that capitalists would take their money elsewhere, and thus damage the interests of the country. He did not believe that such would be the case, because the capitalists were wise enough not to take their capital

away from the country where they could find the best use for it. Then it had been said that if the law were altered in the direction he had indicated, and the doctrine of common employment were taken away, that there would be an increase of litigation without number. But they were not without experience upon that matter, and a high authority had said that experience was their best teacher. It was recorded as the law of France a considerable time ago that employers could plead the doctrine of common liability for accidents to the workmen. A case happened in the year 1842 in France, where, in the highest Court, it was decided to the effect that it ought to be no bar to a workman to make a claim for compensation that the injury was done by a fellow-workman. What was the case? Litigation was scarcely known of since. In France, Italy, and Belgium no litigation took place, and in the case of Germany the laws had been modified from time to time, and the principle of the Bill introduced by him into the House of Commons this Session was being considered by the German Parliament, and the object of that Bill was to destroy the possibility of litigation, and to declare that it was no bar to the claim of a man that he was a common workman. He moved his Amendment in no spirit of hostility to the principle of the Bill introduced by the Government. That Bill went a considerable distance; but he wished that it could have gone further. In matters of that kind, he believed that a compromise was the best way out of the difficulty; therefore he accepted the principle of the Bill, in the hope that the Government would, from the expressions they had heard that day, take courage and go forward until the doctrine of common employment was erased from the Statute Book and the decisions of the Courts.

MR. INDERWICK said, that, in seconding the Amendment, he had no desire to impede the progress of the Government measure. His object was rather to strengthen the hands of the Government, and, if possible, to enable them to give to the measure before the House substance and vitality, and an element of finality which, at present, it did not appear to him to possess. Its object was to settle a difficulty of a somewhat serious character between em-

ployers and employed, in which it was believed that capital had an advantage over labour. The workmen said that they were in an exceptional position, because, while strangers were entitled to demand compensation for injury, workmen could not do so unless they charged masters with personal negligence; and this was a grievance from which they desired to be relieved. He found it suggested, in documents that had been circulated, that this was a sentimental, and not a substantial grievance; but he believed that it was a substantial one. He did not believe that workmen were treated with a want of kindness or liberality. That charge was not made against employers as a class. The other day, at a railway station, he saw an appeal to the public, on behalf of the widow and family of a guard who had lost his life in a laudable endeavour to save that of a passenger, and the Railway Company headed the appeal with a very handsome subscription. What the men said was that they did not allege any inhumanity or unkindness; but they desired that their position should be strictly defined, and that they should have, by law and right, that for which they were obliged to appeal to private benevolence and public sympathy. He had taken an impartial view of that subject, being neither associated with the capitalist, nor representing what might be called a working men's constituency. The origin of the dispute appeared to be extremely doubtful. The matter was first brought to a head about 1837, when the decision was given that common employment was a legal defence. The matter was then brought to the House of Lords from Scotland, and from that time the law had been established and acted upon. There had been circulated a pamphlet by Lord Justice Bramwell, who had discussed the matter at considerable length, and whose opinion was entitled to very great weight, not only because he was a distinguished Judge, but also because he was a worthy and kindly gentleman. He was, however, unable to arrive at the same conclusion as the learned Lord Justice. Of the rule of common employment he found no trace before 1837. No doubt the Judges acted upon what they rightly believed to be a tradition of the law which was handed down to them. He could well understand that

in the primitive ages there was some such rule applicable to the small transactions of life, such as wood cutting, but not in the same sense applicable to the present conditions of society. The origin of this rule was, to say the least, obscure; its parentage was doubtful; and there had been conflicting decisions which had been discussed from time to time. He was entitled to say that the law as laid down was uncertain, was difficult of application, and was exceptional in character. There was a rule of life and of sound common sense that a man was responsible, not only for his own acts, but for the acts of those persons whom, from the necessities of his position, he engaged to carry out acts it was impossible for him to perform himself. This rule was of no recent or obscure origin; it had existed as far back as the law could be traced on the subject. The rule which the hon. Member for Stafford (Mr. Macdonald) sought to set aside was an exception to this sound rule of law. It might be assumed that there was a general agreement that the law could not be allowed to remain in its present state. When a proposition of that kind was established, the only statesmanlike way to deal with the matter was to abolish the exceptional rule altogether, and to relegate the persons affected by it, as far as possible, to the position they occupied before the rule of law was laid down. It was said there was no necessity to abrogate the rule, because the object desired could be attained by contract. Theoretically that was an answer; but practically it was nothing of the kind. The workman did not stand upon the same footing as the employer. If the workman proposed to make the employer's liability a condition of service, the employer would say—"The law does not place that liability upon me, and why should I take it upon myself?" The result would be that the workman must accept work upon the terms of the employer, or else he must starve. If it were said that this was not quite so, because workmen combined and acted through their unions, he replied that that fact made it all the more desirable that they should legislate as soon as possible, and that their legislation should, as far as possible, be of a complete and final character. Everything that could be done ought to be done to prevent these questions becom-

ing burning questions between combinations of employers and employed. It was said that a change of law would lead to litigation; but that would depend upon circumstances. If the relation of employers and employed were placed upon a reasonable footing, he saw no reason for such a result; and he believed both parties would endeavour to apply the law in a fair and temperate spirit. He could understand that if employers attempted to evade the law by special contracts or notices, and thus to deprive workmen of the advantages which the law was supposed to give them, there would be great dissatisfaction, and there might be serious litigation; but he hoped the law would be carried out in a fair spirit, and that there would not be any great amount of litigation. It would not be just or right simply to abrogate the law of common employment and to do nothing more. If the House had been called upon in 1837 to pass a measure in the sense advocated by the Amendment, no one would have had any cause to complain; but with the immunity of employers since that date there had grown up a kind of vested interest which would have to be compensated to some extent. Several schemes had been formulated to meet that difficulty. One proposal was that the liability should be limited to the sum of £200; and a further proposal was that a person injured should have his average earnings for six years—both of which propositions he objected to. With respect to the question of insurance, he doubted the propriety of an insurance mutually effected by the workmen and employer. He had given considerable attention to the matter; and he thought the desirable course to take, if a scheme of insurance were considered indispensable, would be to give the employer the opportunity of relieving himself from liability by effecting such an insurance on behalf of each workman as would insure to the workman payment of compensation in case of accident, and would afford to the employer a full and absolute defence. The insurance should be effected under Government guarantee, so that the payment should be absolutely secured. If the master chose to avail himself of the authorized mode of insurance, he should be entirely free from liability. The man injured would be certain of his compensation, and he might not have the same certainty in

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case of mutual insurance in companies. If the master did not choose to avail himself of the means of insurance authorized, his liability should be unlimited, and he should be bound to pay to his workmen such compensation as a tribunal might award.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no measure dealing with the Employers' Liabilities for Injuries sustained by their Servants can be accepted as a satisfactory solution of the question which admits, as a ground of defence in any action or proceeding brought for the recovery of damages or for compensation in respect to bodily injury or loss of life, that the person by whose negligence the injury or loss of life is alleged to have been occasioned was employed in a common employment with the person killed or injured,"—(*Mr. Macdonald*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. A. J. BALFOUR, who had an Amendment on the Paper to the following effect:—

"That while it is desirable workmen should be placed on the same footing in regard to compensation for accidents as the general public, equality should be sought rather by altering the general principle on which compensation for accidents is now awarded, than by merely abolishing or modifying the existing exceptions to it,"

said, that neither of the hon. Gentlemen who had just spoken had insisted at any length on the grounds which had influenced them in calling the attention of the House to the Amendment which they had advocated. The real ground which had influenced them he believed was this—that under the law, as it stood, and even as it would stand when modified by the Government, workmen were not placed on an equality with the general public, in the matter of compensation for accidents. So long as that inequality existed, this question would never be finally or satisfactorily concluded. So far, then, he entirely agreed with both the Mover and Seconder of the Amendment. But while he so far agreed with them he saw the greatest objection to the particular solution which they proposed, which was to leave the law as it was with regard to the outside public, but to produce the desired equality by modifying it with regard to workmen. Now, either the wages of workmen were de-

termined with reference to accidents or without reference to them. If insurance against accidents was included in the present rate of wages, which he believed to be the fact, workmen, by the operation of this Bill, would be paid twice for the same risk. If compensation was not included in the wages of a workman, then practically this was a Bill for modifying the consequences which resulted from the free operation of contract between master and workman. How far were they prepared to carry such a principle? Many employments were exceptionally detrimental to the health and life of those engaged in them, not because they were liable to accidents, but because they inevitably produced disease. Did the wages of those workmen include insurance against those risks? The advocates of the present Bill (if they were consistent) must hold that they did not. They must also hold that the masters of such workmen ought to be compelled by law to insure the lives of their workmen in addition to paying them wages at the market rate. Was that a course which the House was prepared to enter on? The solution which he ventured to suggest, and which he had endeavoured to embody in the Amendment he had placed on the Paper, was to produce equality between the workman and the general public, not by placing the workmen in the position of the general public, which was the proposal of the hon. Member for Stafford (*Mr. Macdonald*), but by placing the public in the position now occupied by the workmen. He admitted that this would produce a very large change in the existing law. But was the existing law either just or reasonable? It compelled a man to pay for the infliction of injuries in which he neither directly nor indirectly had any hand. He might employ the best and most careful workmen, he might take the utmost pains to secure the very best machinery, he might leave no stone unturned to secure the lives of his workmen, and yet he had to pay damages for injuries for which he was in no sense responsible. Such a law could not be regarded as equitable; but it might be thought necessary or expedient. It might be supposed to be the only means of making employers of labour careful of the lives of the public. So regarded the present law belonged to the Criminal Code in regard to its objects, though to

the Civil Code in its procedure ; and was naturally enough, therefore, very clumsy in its operation. Among other instances of the absurdities to which it led was that damages were awarded not at all in proportion to the carelessness which produced the accident, or even to the amount of injury it caused, but were largely determined by the position of the persons who suffered by it. The Government should take into consideration the whole state of the law as it existed. Their present proposal combined many of the evils which existed under the present law, and many of the evils which would be introduced into it, if the hon. Member for Stafford (Mr. Macdonald) had his way. The Bill would unduly interfere between employer and employed, and would tend to promote litigation, while it would not secure that final solution of the question which the House had a right to expect.

SIR HENRY JACKSON : The House is placed in an unfortunate position with regard to the present debate. During the debate on the second reading of the Bill complaint was made that we were not discussing the real Bill ; and that complaint has, I think, proved to be well founded. In what position are we now ? A Bill has been read a second time on the distinct understanding that, for purposes of discussion, the House should be in the same position as if the real Bill, and not the original Bill, was being debated. But how has that been carried out ? Why, a real, practical discussion is prevented, for the Motion to go into Committee is met by an Amendment which, though not equivalent to the negating of the second reading, at any rate prevents the House from expressing its opinion upon the substantial question involved. The opponents of the Bill, who stood by on this promise, and let it be read a second time, object that the Bill goes too far ; but the issue raised by the Amendment which will be put from the Chair is not whether the Bill goes too far, but whether it goes far enough, as the hon. Member for Stafford who moves it asserts that it does not. The result is that a proposition, to which the Government do not assent, and which the majority of the House repudiate, prevents any vote on any other of the Amendments on the Paper, several of which raise questions, and suggest modes of dealing with this legisla-

tion, of the highest value. The second reading has been assented to, not because the House likes the Bill, for it does not ; the feeling of the House is against it, and its true supporters are few and far between. It has been submitted to as a necessity that cannot be avoided. My idea is that so strong is the individual feeling against this Bill, that, if in this House we voted by ballot, the result would be very different to what it is. For my own part, however, I look the position in the face ; and I accept the necessity for legislation as established and inevitable—and that being so, I disclaim any intention of talking this Bill out or frittering away its provisions, and I shall do what I can to make it work out as a settlement of this most serious question, but with due regard to all interests involved. When once this line of action is resolved upon, it becomes important to see how it can best be carried out ; and I concur in the strong desire which exists on both sides of the House that the Bill should be sent to a Select Committee ; but that, we are told, the Forms of the House make impossible. I cannot but think it very unfortunate that such should be the position of a most important social measure ; but as the Bill cannot be sent upstairs for full and calm consideration, there is all the more necessity that it should be fully discussed in the House. What, then, will be the practical effect of the measure upon the great industries of the country ? The House now stands as arbiter between two great factions. On the one hand we have the capitalist, whose capital is the result of foresight, economy, courage, self-denial, and industry—of the exercise of all those qualities which made England what it is ; on the other hand we have the working classes, whose share in our economical system is as important and necessary as that of the capitalist, and who have as much interest as we have in keeping up the great edifice of British prosperity. The capitalist is alarmed at this Bill. It is the fashion to sneer at the proverbial timidity of capital. Admit this timidity, but recognize it, and be careful not to drive capital out of the country. The working classes, or some sections of them, have taken this agitation up, and with them it has become a burning question ; and on their part, as well as among employers, there is great and natural anxiety as to the course the House will

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adopt. With the working classes that anxiety is aggravated by the mistaken notion that the present law was directed against them as a class. I have always asserted that this is an utterly unfounded idea. No such notion is to be found in any legal conception or expression of the law, and does not exist in fact. The present law is, in fact, based upon this fundamental ground—that the rule of natural justice is that no man ought to be legally responsible for any misfortune resulting from an act for which he is not morally responsible. There are certain exceptions, and the question we have really to consider is whether those exceptions should be extended. I do not stop to consider whether the exceptions are new and the law old, or the law is old and altered by new exceptions. That discussion is now profitless, and will only secure more or less contradiction from some hon. and learned Members near me, whose opinions on the abstract question differ from my own. I recognize that difference of opinion; and, however strong my own views may be, I, in all sincerity, am ready to admit that they may have been warped by circumstances, or may be wrong. I feel that I am right; but I concede that there is a considerable amount of authority against me. And, therefore, I admit that something has to be done. The most logical solution of the problem is that suggested by my hon. Friend the Member for Hertford; but I fear that is the least practicable. Indeed, I suppose that my hon. Friend himself hardly imagines that the law can now be altered in the direction he indicates. He would make the moral and the legal responsibility coincide. On the other hand, the hon. Member for Stafford would make every employer liable for everything which happens to everybody in his employment or out of it. That is logical, too. Indeed, I am far from seeing how the interests which that hon. Member is understood to represent are to gain very much by this Bill. If a platelayer is killed on Monday by the negligence of a fellow-servant in authority, and gets compensation, a platelayer who is hurt on Tuesday, by the negligence of a fellow-servant not in authority, will not get much satisfaction out of the new law; and we may be having further proposals to meet his case, and to inclose employers in one comprehensive net of lia-

bility. Is the object to insure safety? is the proposed law, as my hon. Friend the Member for Hertford has asked, a police law? If by fining you intend to make employers more careful in selecting materials and superintendents, why do you stop at fining? Why do you not send them to prison for negligence on the part of agents, which, if brought home personally to themselves, would be criminal? But is such a Bill as this to be carried through at a Morning Sitting? I do not wish to stop the Bill. I will be party to no obstruction. What I ask is that adequate opportunity should be afforded to the House for fully discussing it. As the result of a *bond fide* discussion, I hope that the Bill may be made a fair and equitable settlement of a vitally important question—that it may prove, not the mere result of hustings promises, but the deliberate outcome of the wisdom of Parliament applied to one of the most difficult of social problems. There seems to be considerable diversity of opinion as to the object aimed at. Is its object to protect the lives of workmen? If I could think that such would be its effect in a single instance, I, for one, would withdraw from all opposition, and would hurry the Bill on; but I do not believe it will have any such effect. The House must remember that the interests that most dread the Bill—the mining interest, for example—are carried on—every single operation of every day's work is performed under the direct supervision of officers appointed for the purpose by the State. It is not unreasonable to suppose that the protection thus afforded is sufficient, or as much as is practicable. But it is said that, apart from its effect, this Bill raises a question of justice, and is to be supported on that ground. No one can have any other feeling in reference to a demand for justice on any question than one of sympathy. But on a matter like the one before the House, where the relations both of employers and of workmen are intimately concerned, questions of justice or injustice are not simple and easy, but of great difficulty and delicacy. Both sides claim justice, and both sides allege injustice; possibly the truth may lie between them. It, therefore, becomes important to consider whether that justice which is desiderated by both cannot be obtained by means of a fair compromise which would have the

effect of allaying instead of aggravating the differences now existing between labour and capital, to the disadvantage of both. I cannot admit that there is any compromise in one side merely conceding half of what is asked. There must be something conceded on both sides, in order to bring about a bargain likely to be a permanent settlement of this difficult and delicate question. The only course open, as far as I am able to see, is either to leave the existing law alone, or to amend it in such sort that the *employés* may be satisfied without terrifying the capitalists whose money is invested in the various industries in this country. This is without doubt a danger of this, and the best thing to be done is to reduce that danger to a minimum. After much deliberation, I have come to this conclusion—that if this new liability is to be put on employers it must be limited in amount, so that the employers may know the maximum they may have to provide in case of the worst accident, and, knowing it, may provide against it by insurance. I wish the House to understand that I am against compulsory insurance. Put it how you will, insurance to which anyone is compelled to contribute is only a tax in disguise; and I recognize the impossibility of such a tax. I only ask for facilities. I am bound to admit that in the Bill now before the House the Government has recognized the principle of limiting this new statutory liability, and I desire to thank them for this concession. But they propose to carry it out by confining the liability of employers to the amount of a limited number of years' earnings of the person injured; but I do not think that this means of carrying out that principle is a wise or satisfactory one. It seems to me that, notwithstanding what my hon. Friend the Member for Rye has said, this proposal will be a perennial well of litigation. I can imagine no more tempting subject for unscrupulous lawyers than the inquiry into three years' probable earnings of any workman; and the House must not lose sight of this practical consideration—that every law-suit would be at the cost of the employer, who would necessarily have to pay costs when the plaintiff recovers, and who never receives any costs when the plaintiff fails, for the simple reason that no plaintiff, under this Bill, would have any means for

paying costs. Now, the only hope of escape from this most serious practical difficulty will be found in fixing some maximum sum. In the Workmen's Trains Acts, the sum of £100 has been fixed, and that has worked well in practice. But take that, or any other just sum. What will, then, be the employers' position? He will, at any rate, know the worst; and it will then be for him to secure the means to discharge this new liability when it comes. He can only do it by insurance; and I suppose that the course he will take will be to ascertain the number of his *employés*, and multiplying that number by the extreme limit of the sum fixed, to induce as many persons in the same peril as himself as he can get to form some sort of combination by which they may cover their liabilities up to the amount of the maximum sum they would have to pay in case of the greatest imaginable disaster. For years the actuarial value of these risks will be doubtful; but they will eventually be discovered. Large premiums on such insurances will have to be paid, and the capitalized value of those premiums will represent the burden which this Government Bill is proposing to put on the struggling industries of this country; and that at a time when, according to my information, they are least able to bear any additional weight. Eventually, doubtless, this weight will fall upon the consumer; and, so far as home trade is concerned, will adjust itself. But the interim disturbance will be very serious; and I question whether, in competition with the foreigner, we shall ever cease to feel it. I also hope, Sir, that, in addition to fixing a definite maximum sum, the Government will admit clauses which will facilitate arrangements for insurance between employers and employed. What could be more simple than such a provision as this? Suppose you fix £100 as the limit under the Act, and then provide that if the master and workmen together agree to effect an insurance for any equivalent or greater sum, such insurance shall exclude the operation of the Act. No one would be hurt by such a provision, and it is obvious that it would tend to promote insurances, which mean providence and economy. But under the vague scheme of the Government, the employer would be unable to know the amount of his liability or

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danger, or to enter into any agreement with the employed for effecting an insurance which should free him from liability. If Her Majesty's Government will intimate that they have no objection to the principle of this proposal, and will consent that the Bill shall be sent to a Select Committee, which I can undertake, on the part of those interested, shall sit with a determination to forward rather than retard the passing of the measure, they will be remembered, not as having brought forward this Bill for political purposes or as a weak-kneed concession to agitation, but as having made a *bond fide* effort to arrive at an equitable and reasonable solution of one of the most difficult problems ever presented to Parliament. I do not think that they will be able to work out these complicated proposals on the floor of the House in Morning Sittings in July; but there may be some hope of doing it if the Bill is referred to a Select Committee. The late Government had this subject forced upon them, and they have seen how difficult it was to deal with; but it has by no means been forced upon this Government; they have rushed at it. I have heard it said that they had picked up the Bill somewhere about the platform of the Chester Railway Station. That, of course, is a piece of electioneering jocularities; and I have no doubt the Government have taken the matter up seriously and honestly. Still, whatever may have been the intentions of the Government, it is evident that they have not yet quite mastered the subject. But, while giving them credit for their good motives, I trust they will not force the Bill on without giving those who would be most affected by it an opportunity of being heard by a Select Committee of the House. I have thought it right to make these few observations, though I have not thought it right to divide the House; and, as the Notice Paper now stands, it will not be possible to do so on the Motion for a Select Committee.

THE ATTORNEY GENERAL (Sir HENRY JAMES) observed, that three classes of objections had been raised to this measure by the hon. Members for Stafford, Hertford, and Coventry. Those hon. Members agreed that some legislation on this subject was necessary; but they took different views of what the principle of that legislation should

be. The position of the Government was this. They found that this question had been before the House and the country for years; that a Select Committee had taken evidence bearing upon it in 1877; and the Government had done their best to embody in the Bill the principle which was the most consonant with public opinion. What were the objections raised to the measure? The hon. Member for Stafford (Mr. Macdonald) held the view that the Bill did not go far enough, and that the defence of common employment ought to be abolished altogether, so that the employer would be liable for all injuries resulting to workmen from the negligence of other workmen in the same employ. He (the Attorney General) did not think the House was prepared to accept that view, for the total abolition of the defence of common employment would cast such a burden on the employer, and cause such a disarrangement in the rate of wages, that the proposal could not be regarded as practicable. The hon. Member for Hertford (Mr. Balfour) took quite a different view. Instead of increasing the liability of the employer, he would diminish it, and would say that employers should not be liable at all, unless they had been themselves guilty of some misconduct. That was a suggestion which it was too late to consider, for the existing law carried the employers' liability beyond that point. More important matter was to be found in the arguments of his hon. and learned Friend the Member for Coventry (Sir Henry Jackson), who had spoken not only as a lawyer, but apparently with a knowledge of the subject which was not entirely theoretical. Now, his hon. and learned Friend admitted the necessity of some legislation. His propositions amounted to this—in the first place, they must alter the law; and, secondly, they must logically either let the law alone or accept the proposition of the hon. Member for Stafford. His hon. and learned Friend apparently did not desire to leave the law as it was. [Sir HENRY JACKSON: I would if I could.] Now he understood his hon. and learned Friend. But why should he desire that result? On account of the injustice of the law? If that were so, why was any alteration inevitable, and why should he admit that alteration really could not be avoided? Why had he

not the courage of his opinions, and why did he not endeavour to convince the House of their justice? His hon. and learned Friend's position was untenable. He gathered that his hon. and learned Friend was disposed to accept the proposal of the hon. Member for Stafford, and to abolish the defence of common employment. But then in return he asked for concessions that would make the concessions granted in the Bill of no value. His hon. and learned Friend had wished to appoint a fixed sum as the maximum amount that could be recovered—a proposal that he, for his part, thought very unjust. Was it likely that an artizan earning 40s. a week would think himself well treated if he recovered no more than the amount awarded, perhaps, to a boy receiving 10s. or 12s.? The suggested maximum of £150 was certainly not so just to all parties as the arrangement by which the maximum would vary in accordance with a varying scale of wages. His hon. and learned Friend's second suggestion was one that seemed to have satisfied him that the views of the hon. Member for Stafford were acceptable. His answer to the Bill had been contained in one word, "insurance;" and he seemed to wish that there should be no responsibility as long as the master contributed to the common insurance fund. Now, he believed that that idea of giving the master immunity in consequence of his part in an insurance scheme was a matter that could not be managed by legislation. No doubt it was desirable that the master and servant should enter into a contract, as they easily could do [Lord ELCHO: As yet], and make an agreement, the one to give compensation, and the other not to appeal to the liability created by the Bill; but he could not imagine how the law was to give any real effect to an insurance scheme. Were the subscriptions of the master and the workmen to be levied compulsorily, or in what other way? He thought that the question of insurance could be settled better by personal arrangement than by legislation; and he believed that even his hon. and learned Friend, if he attempted to draw clauses that would get rid of responsibility by a system of insurance, would find the extreme difficulty of effecting practical legislation on that subject. [Sir HENRY JACKSON: Make it their interest.] That was not a matter

of legislation. The view of those in charge of the Bill was that insurance depended upon the combined action of employers and employed; and, though they were heartily in favour of it, they had not embodied it in their Bill. He did not think that there was any reason for sending the Bill to a Select Committee. The question of insurance controlled by legislation had come into existence by virtue of the Bill being placed on the Table. ["Hear, hear!" and "No, no!"] At all events, the subject had not even been suggested before the Select Committee of 1877, or a change in the law would certainly have been proposed. [Sir HENRY JACKSON: They suggested no change in the law.] His hon. and learned Friend was on the Committee, and why was he prepared to do now what was not suggested then? Holding views on the subject such as he had described, he could not think that another Select Committee would be useful or necessary. If a Select Committee were appointed, the Bill would still have to come down to the House, where matters of detail would have to be discussed. There were practical men in the House who were well qualified to consider any alterations in the Bill which might be necessary. There was no desire on the part of the Government to press the measure without due consideration. On the contrary, there was every desire on their part to accept suggestions from practical men. His hon. and learned Friend had said that if the votes of hon. Members were to be taken by ballot the Bill would not pass. But why should not his hon. and learned Friend and every other Member vote according to their opinions? Did his hon. and learned Friend mean that he and other Members thought one thing and their constituents thought another? If his hon. and learned Friend meant that, he ought to have recollected that he was speaking in the presence of a great many employers of labour who had been returned by the men they employed. He believed the judgment of those hon. Members would be different from that of his hon. and learned Friend, and that they would sacrifice what they believed to be their own interest in order to do justice to those who were not present in the House. He did not believe that those hon. Members would vote for what they thought to be unjust as if it were just, or that if they were to vote by ballot

they would vote differently from what they would do now. He trusted before the Session concluded that the Bill would receive the sanction of Parliament.

MR. MACDONALD said, in order to facilitate the Bill going into Committee, after the speech of the hon. and learned Gentleman the Attorney General, he would, with the leave of the House, withdraw his Amendment. ["No!"]

MR. J. W. PEASE said, that where this Bill came from everyone knew. It was one of the praiseworthy, if not very successful, attempts of his hon. Friend the Member for Hastings (Mr. Brassey) to settle a very difficult question. He did not know whether he was one of those referred to by the hon. and learned Attorney General, who were returned by the men whom they employed; but he had come from a contested election, and he could state that not a word was said to him all the time about employers' liability. But if a question were put to him on the subject, he would say, as he did now, that, as no one could say that the present state of the law was satisfactory, he would be prepared to deal with it. In endeavouring to deal with the question, however, they were running a great risk. This Bill, if passed into law in its present state, would do a great deal more harm to the working classes of this country than it would do good. At present working men were very much protected by benevolent and insurance societies; but the moment this Bill was passed every man would think that the law was going to take care of him, and that he need not look out any longer for himself. In the trade with which he was connected there were 117,000 members of various mutual provident associations, to which the masters subscribed as well as the men. These 117,000 were very nearly, if not more than, a fourth of all the men employed above ground, and were nearly one-third of those employed under ground in the coalfields. The funds accumulated already amounted to £112,000, the widows supported by the fund were 720, the children 1,400, and the disabled class 19,000. There would always be a difficulty in working compulsory and voluntary funds side by side. No doubt insurance could be carried out voluntarily; but might it not be encouraged if it were recognized in an Act of Parliament? The unfortunate open-

ing for litigation which would be made by the Bill in reference to disputed causes of accident would bring into the mining districts that greatest of pests, the low-bred attorney, who would promote differences between masters and men which did not now exist. In his district, happily, trade disputes were obviated by appeal to the Council of Conciliation; and he was jealous of opening the door in any way to that class of attorney that would produce conflict between capital and labour. The door would be closed against litigation by encouraging the principle of insurance; and if carried out properly it would do much, not only to help masters and men, but to relieve the ratepayers of the country. As the Bill stood, it would do harm to the working classes and to the ratepayers. While heartily assenting to the further progress of the Bill, he earnestly supported the views of the hon. and learned Member for Coventry (Sir Henry Jackson), though he would not go quite so far in opposition; but he believed it was essential to the success of the Bill that it should deal with the question of insurance.

MR. GREGORY said, he heard with regret that the hon. and learned Gentleman the Attorney General offered no concessions to the appeals that had been made. Practically, this Bill had not been read a second time, for this was another Bill substituted for that to which a second reading was given. It was a great improvement; but practically it was a new Bill. For one, he could not consent to abrogate altogether the doctrine of common employment. He regretted to hear it said that provisions relating to insurance were incompatible with the principle of the Bill, and must be made the subject of private arrangement. The Bill would give the workman the right to compensation, on which he would rely, and the workman who had been contributing would say that a new law had come into operation which ignored his former contribution and threw the liability on the master. The hon. and learned Gentleman the Attorney General was acquainted with the doctrine of set-off, and had heard of paying damages by anticipation. Why not apply these doctrines to insurance, and let the employer set off what was provided by insurance? Under the Factories and Mines Acts penalties were imposed

upon employers in cases of injury to workmen, and these penalties were recoverable by the workmen. By the Bill, as it stood, the workmen could recover these penalties as well as compensation. These were matters that could be dealt with only in a Select Committee; and he believed the reference of the Bill to such a Committee would facilitate its being passed. They might very well adopt the principle that the employer should be responsible for the agents he employed; but they could not make him responsible for those over whom he could not exercise direct control.

Mr. CRAIG: Sir, I shall not detain the House more than two or three minutes. We have had speeches from several hon. Gentlemen; but with the exception of the hon. Member for South Durham (Mr. Pease), and the hon. Member for Stafford (Mr. Macdonald), we have had none from practical men. I will confine my attention to one practical point. I am one of those who dislike this Bill. It is neither liked by employers nor employed. Here we have an Amendment by the hon. Member for Stafford, which declares that it will not be satisfactory to the employed. I do not dislike this Bill on account of the compensation with which it will saddle the employers. What I dislike is that it will induce litigation to a great extent, and that it will break down all those kindly relations which at present exist between employer and employed. I should, as an employer, much prefer the Bill brought in by the hon. Member for Stafford. I have always declared myself in favour of some measure which will relieve those serious accidents to miners; and I believe that the measure brought in by the hon. Member for Stafford, although it would to some extent swell the contents of the cup, would take away that poisonous element which will destroy the good feeling between employer and workman. I do not know any man who endeavours to retain the respect of his neighbours who will remain in the profession of colliery management after the passing of the Bill. I think the great defect is that it is applying indiscriminately a general principle to all the trades and industries of the country. Now, Sir, these learned Gentlemen ought to have known that there are two classes of trades—those that are dangerous, and those that are not

dangerous. When an accident happens, in some cases it is almost impossible to discover what is the cause. Look at the Coroners' inquests in reference to mining accidents, where evidence upon evidence is given, and yet no satisfactory result is arrived at. How much more difficult is it to foresee and prevent an accident? I say that there is no accident which happens but what leaves behind it some trace of human imperfection; depend upon it there will be a tendency on the part of the employed to bring actions against the employers in order to saddle the manager with negligence, and to obtain compensation. There ought to be a distinction drawn between those employments where the accident can be traced, such as building and other employment above ground, and those employments below ground, where it is almost impossible to ascertain the cause of the occurrence. I prefer the Bill of the hon. Member for Stafford, because it is more consistent than the Bill of the Government. I also prefer it because it would remove further back the boundaries of litigation on accidents arising from neglect of fellow-workmen, and will be much more to the point, because, under it, there would not arise the necessity of distinguishing between the negligence of one class of workmen and that of another; and, whatever may be the issue, I am sure it will fall considerably below the amount that would arise from more litigation. If general litigation takes place between employer and employed, the disarranging effect upon every trade will be very serious. I think, therefore, this Bill requires a great deal more serious consideration than it has had; and although these learned Gentlemen may give reliable opinion as regards the law, whenever they venture on practical matters they are mere children. I have read all the evidence given before the Committee in 1877, and it is most lucid and trustworthy. Lord Justice Bramwell, so long as he confined himself to the exposition of the law, was clear; but, so soon as he gave an opinion as to the practical effect of the proposed legislation, he sinks down below the rank of a practical witness. In order to show how very necessary it is that this question should be better considered, it is desirable to refer to what Lord Justice Bramwell says. He has given an opinion. He says that cases of negligence by

Mr. Gregory

fellow-workmen would be more numerous, and he says that the workmen would be in a better position than the employers for detecting negligence; and, therefore, the employers should not be made liable for injuries of that sort. The hon. Member for Stafford said to him—"Do you know anything of mines?" He said—"Very little."

"Then you do not know that the work of miners is defined by statute?—I cannot say. I believe there has been a good deal of statutory regulation, and miners have had their share of it."

The hon. Member for Stafford said that in mines where 300 or 500 persons were employed, they were required to remain in their own particular working place, but if they left it they were liable to imprisonment. He asked—

"How can it be said that these men have control over their fellow-men?—I cannot say it is so. I think you have alleged it is so.—No, I spoke generally of masters and servants, not particularly of miners. It would be great presumption of me to do so not knowing about miners."

This Bill is founded on the recommendation of that Report. It is on all fours with it. It is a Bill which I had in my hands 12 months ago. It is, in reality, the Bill of the hon. Member for Hastings (Mr. Brassey). We all considered it, and saw that it was really a dangerous Bill. However able the gentlemen may have been who drew up that Report, I say it is not what we should have expected it would be, but is an interference with many important industries, and however learned the drawers of the Report may be, they would probably feel puzzled to state in detail the difference between employment in a coal mine and employment in a cotton mill. We want further knowledge as to this Bill, and to have further discussion; and, depend upon it, that would not take a long time, but would be all the better for the Government, because the Bill would have received due attention before it was passed. I do not intend to offer any opposition to it. I think it is very desirable to have something done. It has been a long time agitated; but I do hope the Government will seriously consider the propriety of referring this Bill to a Select Committee again, in order to have the matter fully and fairly discussed, and especially to consider the suggestions made by the hon. and learned Member

for Coventry (Sir Henry Jackson), with a view of seeing whether in these dangerous employments at least something in the nature of insurance will not be more desirable than the provisions which appear in this Bill as it now stands. I do not think that in this House, as far as I am able to ascertain, there is any employer who wishes to delay the passing of a measure this Session. All they want is a Bill that will not bring them into daily conflict with their workmen. I think it is most desirable, especially in regard to those dangerous employments, that there should be some other principle than that contained in the Bill. I shall not detain the House longer with any observations of mine. I could have spoken on other points; but as time is pressing, and there are probably others who would like to speak, I will only say further that whatever good arises out of this Bill, whether it arises in this House or "elsewhere," it will be to the credit of the hon. Member for Stafford; no one else ever suggested anything relating to a change in the law either to secure compensation or relief to workmen injured by accident during his employment until he did; but I do maintain that it is an error to suppose that this Bill will mitigate accidents when it is passed. I believe it will increase them, because it will drive from the profession of mining the competent persons who are now in it as managers. I can say from personal experience that I have never known a colliery manager who is not first of all anxious for the safety of his men. They are men of courage, men of intelligence, men who are educated for their profession, and who would be seriously interfered with if what is proposed in this Bill were brought about. They are often said to be careless, and it is often said that accidents might have been prevented by them; but these things are generally said by those who have never had experience in colliery management. There is another ground that will show conclusively that this will not lessen accidents. Her Majesty's Government and the hon. Member for Stafford say that if this Bill passes and gives compensation it will induce greater care on the part of employers and managers. It has, on the other hand, been said, I know, by many, that if men had this compensation for accidents it will not make them less careful. That I endorse.

I do not believe that any man will injure himself in order to obtain compensation; but surely if this is the case with regard to the men, you will allow it with regard to the managers. If the reception of compensation will not make a man less careful, upon what ground can we come to the conclusion that payment of that compensation will make managers more careful? The Government must, I think, take some other means of dealing with dangerous employment than that proposed in this Bill.

MR. STAVELEY HILL moved the adjournment of the debate.

Motion made, and Question proposed,
"That the Debate be now adjourned."
—(*Mr. Staveley Hill.*)

MR. DODSON said, that the alterations which had been made in the Bill were matters, not of principle, but of detail. That had been admitted over and over again in the course of the debate, and it was admitted also that the House were anxious that the question should be settled and that the Bill should pass. Taking these two facts together, he appealed to the House, in the name of common sense, to allow the Speaker to leave the Chair. In Committee the details of the Bill could be fully considered.

MR. WARTON agreed with his hon. and learned Friend the Member for Coventry (Sir Henry Jackson) that the present law was satisfactory. He was further of opinion that in bringing on the Bill the Government had but yielded to agitation.

It being ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

ORDER OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair."

Mr. Craig

CENTRAL AFRICA — ALLEGED OUT- RAGES BY MISSIONARIES.

MOTION FOR AN ADDRESS.

DR. CAMERON, in rising to call attention to recent reports of outrages committed by missionaries on native inhabitants in Africa and elsewhere; and to move—

"That an humble Address be presented to Her Majesty, praying Her Majesty to take measures to prohibit British subjects, not commissioned by Her, from assuming rights of criminal jurisdiction over the natives of uncivilized countries, and perpetrating upon them acts of war; and praying Her further to cause communications to be entered into with the other Great Powers with a view to the protection of uncivilized tribes from acts of violence at the hands of persons not commissioned by the Government to which they owe allegiance,"

said, that in bringing forward this Amendment he was actuated by no unfriendly spirit towards missionary enterprise; his motive was, if possible, to remove from that enterprise and the proceedings of travellers a blot which threatened to impede the progress of Christianity among savage tribes, and the march of exploration and research. He intended to be as brief as possible, and to confine his observations to acts committed by missionaries and travellers which constituted crimes against the laws of this country, and which would subject the perpetrators to penalties if they were tried in this country. What made it more necessary to draw attention to the subject was the fact that the missionaries who had done these things did them apparently under the impression that they were doing no harm, and were acting in a manner which was for the advancement of justice and the benefit of missionary enterprise. Now the law upon the subject was very simple. It was laid down in the 24 & 25 *Vict.* c. 100, s. 9, that whenever a murder or manslaughter was committed in any part of the world, whether under the jurisdiction of Her Majesty or not, upon a person whether a subject of Her Majesty or not, the person committing that murder or manslaughter, or implicated as accessory in it, might be tried in this country under precisely the same laws as if the offence had been committed in this country. Reports had recently reached this country of extraordinary doings on the part of missionaries established at the Blan-

tyre Mission, Central Africa; and they recently formed the subject of a paper by Mr. Andrew Chirnside, a Fellow of the Royal Geographical Society. His statements had caused considerable excitement in the country. It was said he had been rather hard upon the missionaries; but he should found his arguments entirely upon the admissions of the missionaries themselves, and upon such admissions he should argue the necessity of some such Resolution as he should submit for the judgment of the House. Mr. Chirnside's statements were to the effect that the Blantyre missionaries had assumed a criminal jurisdiction over the people in whose midst they resided; that on a certain occasion two persons being suspected of murder, in Mr. Chirnside's opinion erroneously, the missionaries held upon them a sort of trial, and they were condemned to death; one, however, escaping, and the other being shot. He need not dwell upon the circumstances which characterized the execution according to Mr. Chirnside. The man was shot upon by a large firing party. This volley did not prove fatal. Another volley was fired which was equally ineffectual, upon which a Native Chief standing by, out of pure compassion, snatched a gun from the hands of a European and blew out the brains of the unfortunate man. These details were denied; but so long as the fact of the execution was admitted they were really beside the question. The second charge made by Mr. Chirnside was that a Native carrier, suspected of having stolen a chest of tea intrusted to his care, was tied to a tree and received 200 lashes with a very heavy whip, and that in consequence of this he died within a very few hours. Mr. Chirnside, in support of his allegations, brought home the whip with which the flogging was accomplished, and certainly it was a most formidable weapon, far exceeding in power and danger any of the numerous "cats" with a sight of which the House had been favoured during the flogging debates of last Session, and that instrument had been deposited with his hon. Friend the Under Secretary of State for Foreign Affairs. Of course, he did not desire action to be taken upon such *ex parte* assertions; but subsequently a pamphlet had been published by a Mr. Andrew Riddell in defence of this Mission, and a Report had been made by

the Committee of the Church of Scotland, to which the Blantyre missionaries were responsible, in which a number of admissions were made on behalf of the missionaries. Regarding the execution, that was admitted. According to the statements of the missionaries, contained in letters sent home to this country to the Mission Committee of the Church of Scotland, the facts of the case were these:—A woman was found murdered on the 26th December 1878, and shortly before that event a slave had taken refuge in the Mission. Two men, one of whom was her owner, were supposed to have wished to have revenge on some persons connected with the Mission for having afforded her shelter. According to the statements made in defence of the missionaries, it was supposed they had murdered the woman, and their trial was decided upon.

"Anxious deliberation was held, and authorities consulted as to the course to be followed, and there was a general concurrence in the conclusion expressed by Dr. Lawes, that wilful murder must be punished by death, and that this was in the circumstances unavoidable in accordance with Divine law."

The murderers were captured and tried before a jury composed of Natives, and presided over by a White man of the Mission, Dr. Macklin. That gentleman appeared to have presided over a sort of jury composed of the rest of the staff and the headmen of the Mission. "Then the people clamoured for their death;" but it seemed the missionaries shrank from any responsibility in this direction. However, after the men had been kept in the stocks for a fortnight, according to Mr. Riddell one of them escaped, and it was resolved to execute the other, and he was executed. Then, as to the charge of flogging, that was admitted too. The missionaries admitted that the man who was flogged had died; but not, according to the opinion of the surgeon, in consequence of the flogging, though they stated that in deference to the opinions of the Natives they abstained from making a post-mortem examination. After, however, the 200 lashes which had been administered, it was certainly no wonder that the man had died, and the fact of their having been administered went very far to present a solution of the cause of death. Mr. Chirnside had told them that these proceedings landed the missionaries in a

little war; and that gentleman quoted extracts from a missionary journal concerning various skirmishes, in one of which two men were killed, and in another of which more lives were lost—Mr. Chirnside said nine. In other reports it was admitted that some skirmishing had occurred, though it was denied that this originated in their attempted jurisdiction. When this matter was before the Committee on Missions, that body sent out a letter pointing out that they could not give their missionaries any criminal jurisdiction over the people among whom they resided, and that such acts were likely to involve them in very serious responsibility. Again, the matter had been debated before the General Assembly, and some speakers had denounced the acts mentioned as unjustifiable, while others had taken a different view. It was because of this that he thought it necessary to bring forward this Motion for; it was, above all things, necessary, to preserve our missionary enterprise abroad, that missionaries should be made aware exactly how far they could go, and not, as was said by one gentleman, allow them to perform their duty with a lash in one hand and a halter in the other. The only excuse urged for the missionaries was that their settlement was not merely a Mission, but a Mission Settlement, and that, according to the laws of the people among whom they resided, they had a sort of territorial jurisdiction; but the illogical nature of this plea was shown by the fact that while, on the one hand, they had assumed territorial jurisdiction, and power of life and death, on the other they had refused to exercise the duties of their territorial jurisdiction when it came to protecting poor savages from the vengeance of their barbarous Chiefs. He need say no more about that matter. But he now came to a question that was far more serious, and he referred to the New Britain Mission, the missionary being Mr. Brown. The Mission was situated in a group of islands not far from Sydney, and the Natives from a neighbouring island set upon four Native missionaries, killed, and ate them. That was followed by certain hostile demonstrations against the missionaries generally. A Chief had taken forcible possession of a missionary's wife, and the Chief who was supposed to have instigated the murder threatened to eat Mr.

Brown, one of the leading missionaries, and Mr. Brown stated that several intimations to that effect had reached him. Mr. Brown, who was in one of the other islands, proceeded to New Britain, and found that some of the missionaries in the settlement were very anxious to avenge themselves, and they were preparing to go on an expedition for the punishment of the cannibals. He, however, thought that would not be desirable, and asked them to take his advice, and act according to his instructions. He was told that the reputed murderers had come to the Mission Station for the purpose of murdering those who were there, and he said—"The story we knew to be true, as some of the teachers saw them outside the place." He found that the teachers were planning an expedition that night; but he felt it would fail, and be attended with loss of life. So he begged them to trust the matter to him, and they did so. He held a council of war, gathered together as many Europeans as he could, and looked among the Natives for allies. One Chief, who was suspected of having murdered a Mr. Jackson, and eaten him, was sought as an ally by Mr. Brown. He spoke of the missionaries who were murdered as being under his protection, and Mr. Brown sought his aid in avenging the missionaries. Mr. Brown told him that he could not allow any cannibalism, as it was not our custom to eat men, and he stated that the Chief looked at him in a way that indicated surprise at their conduct and pity for their folly. He professed himself, however, willing to help Mr. Brown; but, owing to the restriction put on their warfare, they found the Chief was not much to be trusted. An expedition was, however, started, and hostilities ensued. In the first encounter which took place two men were killed, and Mr. Brown said that he subsequently found that these men belonged to a friendly tribe, and paid for them to the satisfaction of the Chief. After killing some 20 or 30 persons, some seemed to think they had had enough of revenge; but that was not the opinion of others. Subsequently, the Chief, who had held back, was induced to commence hostilities; and the expedition, which commenced on the 16th of April, went on to May. According to Mr. Brown's statement, many lives were lost, "probably between 50 and 80;" but he went

on to say that the present and future good of thousands would far outbalance that. What he (Dr. Cameron) wished to call attention to was that in this expedition there was a number of men armed with rifles fighting against savages who had no weapons but slings; and a painful circumstance in the case was that several women were killed; although, said Mr. Brown, the Natives did not care about that, for they declared that the women were worse, both as cannibals and in exciting hostilities, than the men. What were Mr. Brown's reasons for taking the punishment of these cannibals into his own hands? The Pacific Islands were under the jurisdiction of Commissioners, and men-of-war were not unfrequently in those seas. Why did not Mr. Brown report the case to Sydney, and wait for the arrival of some man-of-war, in order that the punishment might be inflicted by proper authority? Mr. Brown said that he did not think that desirable, because he did not think the captain would interfere unless he had strict authority to that effect; and, secondly, he said that when men-of-war came upon the scene the most they would do would be to bombard the town. This matter was taken up by the Aborigines Protection Society. They appealed to the Colonial Minister, and a tribunal consisting of Sir Arthur Gordon and the Chief Justice of Fiji was directed to investigate the case. It appeared that the Admiralty had instructed Captain Purvis to proceed to New Britain to make inquiries; and he had drawn up a Report which reached Fiji when Sir Arthur Gordon was there. The Report exonerated Mr. Brown from blame, and declared that his responsibility was shared by the European residents. According, however, to his (Dr. Cameron's) reading of the Act of Parliament, all the persons connected with this transaction were guilty of murder or manslaughter. The trial of Mr. Brown was eventually fixed; but the day before Sir Arthur Gordon called Mr. Brown to him and said he had read the statements prepared, and that the evidence would not have led him to institute or recommend a criminal prosecution. Sir Arthur Gordon added—

"I cannot but hope the evidence to be adduced to-morrow may free you from all imputations of criminality, and enable me to continue the investigation that has been interrupted."

He hoped the right hon. Gentleman the Under Secretary of State for the Colonies would be able to give some explanation of the circumstances which induced one Judge to express an opinion like that without consulting his Colleagues. The result was that the Attorney General of Fiji refused to prosecute, and Mr. Brown was not tried at all. That, he thought, demanded the most careful and dispassionate judicial inquiry. Then, in a letter addressed to *The Christian World* by the hon. Member for Merthyr (Mr. Richard), some two years ago, that Gentleman remarked that the *The Christian World* had done itself honour by protesting against the conduct of a missionary in New Guinea who shot the Natives because they would not receive the Gospel at his hands. There must have been some foundation for that, but he left his hon. Friend to give details; therefore, there were three cases in which missionaries had taken upon themselves the right of putting persons to death and commencing a war. Now he came to the second part of his Resolution, which related to similar acts, but not committed by British subjects. Mr. Stanley waged something like a war with some Native tribes in Africa. He did not object to the taking of life in self-defence; but all the instances he had introduced had been instances in which life had been taken, not in self-defence, but in exercise of *quasi-judicial* or *quasi-sovereign* functions, against the assumption of which he altogether protested. Mr. Stanley's description of the affair was that he was threatened by a tribe, and was compelled to kill some in self-defence. In fact, there were 14 of the Natives killed and wounded. He had no wish to challenge that; but what he did challenge was what occurred subsequently. Mr. Stanley managed to get clear away from the Natives; but he considered it necessary to go back and wage war upon them, so that it was no longer a question of self-defence. In the second encounter 42 were killed and over 100 were wounded, whilst only two of Mr. Stanley's men suffered from contusions from stones slung at them. Mr. Stanley had no right to do that, and if it were allowed they would be having other travellers waging war upon Native tribes. Lord Derby had been written to on the subject at the time, but had expressed himself unable to interfere, as Mr. Stanley

was not a British subject. Therefore the necessity for the second portion of his Resolution. In conclusion, he thanked the House for its patient hearing, and begged to move the Resolution of which he had given Notice.

Amendment proposed,

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Dr. Cameron

the charges that had been made against the missionaries. The Commissioner, he might mention, was the Rev. Dr. Rankin, of Muthill, a highly esteemed parish minister, a man of ability and good sense, who enjoyed the full confidence of his Church. He was accompanied by a layman, who went out at his own charges, who also had the confidence of his Church, and who had instructions to take up the Commission in the event of Dr. Rankin by any accident being prevented from finishing the work. These gentlemen would act in conjunction with Consul O'Neill, so that the House and the country had every assurance that there would be a thorough and impartial inquiry. The Motion, however, as his hon. Friend was careful to say, proceeded not upon the charges of Mr. Chirnside, as if these were established, but upon admissions made by the Church itself, or by its missionaries. Now, he granted that, without reference to charges of cruelty and injustice, there was enough to justify some such Motion as this. There was enough to justify some prohibition of private subjects of the Queen, whether missionaries or not, from assuming criminal jurisdiction in uncivilized countries. But, while the facts which were admitted justified this Amendment, he held that they were by no means so compromising as would be supposed from the speech of his hon. Friend, in which he thought the charges in Mr. Chirnside's pamphlet had, to some extent, been assumed to be true. He was unwilling to enter into particulars; but, as the House had heard of the execution which took place at Blantyre in the spring of last year as an act of very questionable justice, even if those who were responsible for it had a right to exercise jurisdiction, it was only right to say that there was another view to be taken of it, and until they had the result of the inquiry now in progress before them, it would be hardly fair of them to take the worst view of the matter. According to the accounts received by the Committee at home, the missionaries were thoroughly satisfied as to the sufficiency of the evidence against the two men, one of whom was executed. As to the execution itself, the Committee had the assurance of the missionaries that there was no cruelty in the mode of execution. Then, as to the flogging, the Committee were now making inquiry. *Dr. Macklin*

on to say that the present and future good of thousands would far outbalance that. What he (Dr. Cameron) wished to call attention to was that in this expedition there was a number of men armed with rifles fighting against savages who had no weapons but slings; and a painful circumstance in the case was that several women were killed; although, said Mr. Brown, the Natives did not care about that, for they declared that the women were worse, both as cannibals and in exciting hostilities, than the men. What were Mr. Brown's reasons for taking the punishment of these cannibals into his own hands? The Pacific Islands were under the jurisdiction of Commissioners, and men-of-war were not unfrequently in those seas. Why did not Mr. Brown report the case to Sydney, and wait for the arrival of some man-of-war, in order that the punishment might be inflicted by proper authority? Mr. Brown said that he did not think that desirable, because he did not think the captain would interfere unless he had strict authority to that effect; and, secondly, he said that when men-of-war came upon the scene the most they would do would be to bombard the town. This matter was taken up by the Aborigines Protection Society. They appealed to the Colonial Minister, and a tribunal consisting of Sir Arthur Gordon and the Chief Justice of Fiji was directed to investigate the case. It appeared that the Admiralty had instructed Captain Purvis to proceed to New Britain to make inquiries; and he had drawn up a Report which reached Fiji when Sir Arthur Gordon was there. The Report exonerated Mr. Brown from blame, and declared that his responsibility was shared by the European residents. According, however, to his (Dr. Cameron's) reading of the Act of Parliament, all the persons connected with this transaction were guilty of murder or manslaughter. The trial of Mr. Brown was eventually fixed; but the day before Sir Arthur Gordon called Mr. Brown to him and said he had read the statements prepared, and that the evidence would not have led him to institute or recommend a criminal prosecution. Sir Arthur Gordon added—

"I cannot but hope the evidence to be adduced to-morrow may free you from all imputations of criminality, and enable me to continue the investigation that has been interrupted."

He hoped the right hon. Gentleman the Under Secretary of State for the Colonies would be able to give some explanation of the circumstances which induced one Judge to express an opinion like that without consulting his Colleagues. The result was that the Attorney General of Fiji refused to prosecute, and Mr. Brown was not tried at all. That, he thought, demanded the most careful and dispassionate judicial inquiry. Then, in a letter addressed to *The Christian World* by the hon. Member for Merthyr (Mr. Richard), some two years ago, that Gentleman remarked that the *The Christian World* had done itself honour by protesting against the conduct of a missionary in New Guinea who shot the Natives because they would not receive the Gospel at his hands. There must have been some foundation for that, but he left his hon. Friend to give details; therefore, there were three cases in which missionaries had taken upon themselves the right of putting persons to death and commencing a war. Now he came to the second part of his Resolution, which related to similar acts, but not committed by British subjects. Mr. Stanley waged something like a war with some Native tribes in Africa. He did not object to the taking of life in self-defence; but all the instances he had introduced had been instances in which life had been taken, not in self-defence, but in exercise of quasi-judicial or quasi-sovereign functions, against the assumption of which he altogether protested. Mr. Stanley's description of the affair was that he was threatened by a tribe, and was compelled to kill some in self-defence. In fact, there were 14 of the Natives killed and wounded. He had no wish to challenge that; but what he did challenge was what occurred subsequently. Mr. Stanley managed to get clear away from the Natives; but he considered it necessary to go back and wage war upon them, so that it was no longer a question of self-defence. In the second encounter 42 were killed and over 100 were wounded, whilst only two of Mr. Stanley's men suffered from contusions from stones slung at them. Mr. Stanley had no right to do that, and if it were allowed they would be having other travellers waging war upon Native tribes. Lord Derby had been written to on the subject at the time, but had expressed himself unable to interfere, as Mr. Stanley

was not a British subject. Therefore the necessity for the second portion of his Resolution. In conclusion, he thanked the House for its patient hearing, and begged to move the Resolution of which he had given Notice.

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the cognizance of the Foreign Office. The New Britain case did not. It had been dealt with by the Admiralty, and was under the Colonial Office. With regard to the Blantyre case, that seemed a bad case, so far as the circumstances were known; but he did not think it was necessary to go into this matter at length, because it was one which, as the hon. Member for the Universities of Glasgow and Aberdeen (Mr. J. A. Campbell) had shown to the House, was actually under investigation at the present time. The hon. Gentleman, in the very temperate observations which he had made on the matter, also admitted that the investigation was being conducted by those who were not strongly hostile to the missionaries. There was one point on which some of the defenders of the action of the missionaries differed from others, and that was as to the question of jurisdiction. He had heard a defence of the Blantyre Mission to the effect that the missionaries did not claim jurisdiction, that they had placed a Native Chief on the juries, and that they sheltered themselves by the Chief's jurisdiction. There was no desire on the part of the Foreign Office to be a party to any exercise of jurisdiction by Europeans in this indirect manner. But at first sight he was bound to say there did appear to be a case deserving in the highest degree of careful investigation, and the only reason why he declined to enter into details and deal with it was that the acts which had been committed were the subject of investigation at the present time. The foreign Mission, as the hon. Member for the Universities of Glasgow and Aberdeen had told them, had sent out some gentlemen to inquire into the affair, and Her Majesty's Consul at Mozambique had been instructed not only to assist them, but to proceed to the spot and join in the investigation. It would be an impartial investigation, and Her Majesty's Consul would endeavour to arrive at the truth. With regard to the New Britain case, he believed some sort of approval was given to the conduct of the missionaries by the late Board of Admiralty; so he supposed something was to be said for them. It did not come within the Department with which he was connected, and it was impossible for him to give the House any information on that subject. The third case

had nothing at all to do with missionaries; although he could not help coming to the conclusion that the case might on some future occasion usefully form the subject of a debate in the House. He did not, however, think the case should be debated now, because the friends of Mr. Stanley in that House would not have been really informed by the terms of the Notice of his hon. Friend that it was intended to bring the subject before the House that evening. The hon. Member for the Universities of Glasgow and Aberdeen stated that, on the whole, he concurred in the Amendment of his hon. Friend the Member for Glasgow (Dr. Cameron). He (Sir Charles W. Dilke) could not concur in the actual terms of the Amendment, though he wished it to be understood that he gave his entire support to the doctrines which had been enunciated, that being not only his own view individually, but the view of those who were responsible for the administration of the Foreign Office. It had been the desire of the Foreign Office not only to discourage, but, as far as possible, to actually prevent, the exercise of jurisdiction by British subjects over whom they had no control. The exercise of such a jurisdiction was not only calculated to lead to acts of which they disapproved, but to involve the country in serious complications; and such a thing must be discouraged, and, as far as possible, prevented by all who had to do with the direction of Colonial affairs. If the Resolution of his hon. Friend merely expressed the disapprobation—he might say the extreme disapprobation—with which Her Majesty's Government viewed the exercise of irregular jurisdiction by British subjects in uncivilized parts of the world, he should give his cordial assent to the Resolution. But the Resolution did more than that. In the second part of the Resolution, by which his hon. Friend expressed his wish that there should be a communication with other Great Powers with the view of protecting uncivilized tribes; but his hon. Friend had not brought forward a sufficient number of cases, or sufficiently strong cases, in which foreign Powers would be likely to interfere. Except Mr. Stanley, he knew of no foreigner who had been mentioned in this matter; and Mr. Stanley was not a subject of any of what were usually called the Great Powers,

Member had, however, made a mistake in his statement of the law, inasmuch as he appeared to assume that almost the only Act bearing on the question was 24 & 25 *Vict.* In truth, there were several other statutes, and we already possessed considerable—he might say ample—powers for dealing with British subjects out of the jurisdiction of civilized Powers. Besides this Act of 24 & 25 *Vict.*, under which we could try any subject for murder and manslaughter when the offender could be brought to trial in the United Kingdom, there were also Acts under which they could try an offender even if he had not been brought to trial in the United Kingdom. Even if he was caught in foreign parts, there was power of trial by commission to Colonial Courts under an Act of George III.; but the Act to which he would specially direct attention was the Act of 1878. Under the operation of the Jurisdiction Act of 1878 there was power to issue an Order in Council for the legal exercise of British jurisdiction over British subjects. This was a very unusual power, and it was one which up to the present time had not been exercised. The Act had only just come into force; but it was an Act which could be put into force, and might be exercised. Under that Act they could claim jurisdiction even over British subjects in parts of Central Africa which were not subject to any regular Government. Now, what were the special powers as regards Africa which affected the circumstances in this case? It was a fact not generally known that for criminal purposes the jurisdiction of the Cape Colony extended northwards vastly beyond the boundaries of the Colony itself up to 25 degrees of south latitude. But the Blantyre station was considerably to the north of that limit. But the Act of 1878 said that Her Majesty should have power and jurisdiction over her subjects who might for the time being be residing in, or resorting to, countries or places out of her Dominions. That power might almost be described as enormous; and the real question for them to consider was, not whether they possessed sufficient powers, but whether in a particular case they would run the risk of putting them in force. And when he spoke of legally raising and putting these powers in force, of course the House would understand exactly what

he meant. He had been asked the other day by an hon. Member whether it was the intention of the Government to appoint a Consul General in the heart of Africa for the purpose of exercising jurisdiction, and he replied that there was a very great danger in making appointments of that kind. If a Native Chief should carry off a British Consul, who could hardly be environed with a sufficient guard in the heart of Africa to resist the capture by a Chief who happened to be very powerful, they would be probably committed to a military expedition, which would involve great cost and great danger to the troops, in order to release our representative. Therefore, they must be very careful how they attempted to acquire jurisdiction in places where they could have no sufficient force. In the Pacific, where this country possessed, by naval means, far greater power than it could have in the heart of Africa, very large special powers had been given to the High Commissioner, Sir Arthur Gordon, who was Governor of Fiji, and in many cases the High Commissioner had been able to exercise great influence in the direction which the hon. Member for Glasgow would desire. The hon. Member's Amendment began with a preamble referring to the reports of recent outrages alleged to have been committed by missionaries; but out of the three instances which his hon. Friend had laid before the House, one did not concern the missionaries at all. From reading the Notice of his Amendment, he had thought his hon. Friend was going to deal almost exclusively with the case of the Blantyre Mission. But his hon. Friend had gone on to speak of the New Britain case, and also of the case of Mr. Stanley, as to which there was no allusion whatever in the Motion. The Stanley case was one in which missionaries were not concerned, and had that case been adverted to specially by Resolution, great difficulty might have been experienced in defending the exercise of jurisdiction which there occurred. As he had already pointed out, however, that case did not come within the preamble of the present Resolution, and it was certainly not his intention to go into it, or attempt to offer any defence or justification of the circumstances concerned with it. As to the two cases in which missionaries were concerned, the Blantyre case came under

Sir Charles W. Dilke

the cognizance of the Foreign Office. The New Britain case did not. It had been dealt with by the Admiralty, and was under the Colonial Office. With regard to the Blantyre case, that seemed a bad case, so far as the circumstances were known; but he did not think it was necessary to go into this matter at length, because it was one which, as the hon. Member for the Universities of Glasgow and Aberdeen (Mr. J. A. Campbell) had shown to the House, was actually under investigation at the present time. The hon. Gentleman, in the very temperate observations which he had made on the matter, also admitted that the investigation was being conducted by those who were not strongly hostile to the missionaries. There was one point on which some of the defenders of the action of the missionaries differed from others, and that was as to the question of jurisdiction. He had heard a defence of the Blantyre Mission to the effect that the missionaries did not claim jurisdiction, that they had placed a Native Chief on the juries, and that they sheltered themselves by the Chief's jurisdiction. There was no desire on the part of the Foreign Office to be a party to any exercise of jurisdiction by Europeans in this indirect manner. But at first sight he was bound to say there did appear to be a case deserving in the highest degree of careful investigation, and the only reason why he declined to enter into details and deal with it was that the acts which had been committed were the subject of investigation at the present time. The foreign Mission, as the hon. Member for the Universities of Glasgow and Aberdeen had told them, had sent out some gentlemen to inquire into the affair, and Her Majesty's Consul at Mozambique had been instructed not only to assist them, but to proceed to the spot and join in the investigation. It would be an impartial investigation, and Her Majesty's Consul would endeavour to arrive at the truth. With regard to the New Britain case, he believed some sort of approval was given to the conduct of the missionaries by the late Board of Admiralty; so he supposed something was to be said for them. It did not come within the Department with which he was connected, and it was impossible for him to give the House any information on that subject. The third case

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that that gentleman had expressed his great disappointment that no one had come forward to defend him against the accusation brought against him. The fact was that Mr. Stanley had been in continued danger of his life while travelling down the river. The Natives had been very threatening in their attitude towards him, and the act of which complaint had been made was described by Mr. Stanley as a single event constituting his defence during his journey through the country. Had that gentleman not acted pluckily as he did, the probability was that he would never have returned from the heart of Africa to give an account of his Mission to discover the sources of the Congo. He did not believe Mr. Stanley would commit any wanton outrage.

Dr. CAMERON said, that, after the satisfactory statement of the Under Secretary of State for Foreign Affairs, he would ask the leave of the House to withdraw his Motion.

Amendment, by leave, *withdrawn*.

MOTION.

RUSSIA AND BRITISH INDIA.

RESOLUTION.

MR. ASHMEAD-BARTLETT rose to call attention to the relations of Great Britain and of Russia with Afghanistan and Central Asia; and to move—

“That, in view of the great advance made by Russia since 1862 towards Afghanistan and British India, and of the desirability of preventing that Power from obtaining a foothold south of the great desert between the Caspian, the Hindoo Koosh, and the Oxus, which forms the natural boundary to a further advance southwards; and in view of the necessity of preserving the independence of the Turcoman tribes as a bulwark against the Russian armies, and of the importance of Afghanistan from a military, commercial, and political aspect as constituting the key of British India and as commanding all the great trade routes of Central Asia; and in view of the great expenditure and labour already incurred on several occasions in occupying Afghanistan, it is desirable for the safety of the British Empire in India and the security of the 250,000,000 of people inhabiting that Country, and for the highest interests of civilisation, that the British occupation of Afghanistan shall be maintained, but more especially that the great fortress of Kandahar shall be permanently garrisoned by British troops.”

Major Nolan

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter
after Eleven o'clock.

HOUSE OF COMMONS,

Saturday, 3rd July, 1880.

The House met at Twelve of the clock.

MINUTES.]—PUBLIC BILLS—*Second Reading*—
Local Government (Ireland) Provisional Orders (Dublin, &c.) *.

Committee—Relief of Distress (Ireland) Act (1880) Amendment [205]—R.P.

Considered as amended—Local Government Provisional Orders (Eastbourne, &c.) * [189].

Third Reading—Inclosure Provisional Order (Abbotside Common) * [218]; Local Government (Ireland) Provisional Orders (Ballinasloe, &c.) * [220]; Local Government Provisional Orders (Aberavon, &c.) * [125], and *passed*.

QUESTION.

ALLEGED POISONING AT WELBECK.

MR. MAPPIN asked the Secretary of State for the Home Department, If his attention has been called to the alleged wholesale poisoning at Welbeck, Nottinghamshire, where several deaths have occurred, and it is said sixty persons have been ill; and, if he will send a Government official to inquire into the whole affair, as the adjourned inquest has been held and the Deputy Coroner expressed an opinion very much in opposition to the medical evidence produced?

MR. ARTHUR PEEL, in reply, said, he understood that the Local Medical Officer of Health had been in communication with the Local Government Board on the subject. The inquest was now pending, and the medical officers were examining the intestines of some of the victims of this unfortunate occurrence. If it was thought necessary to have an independent inquiry by the Local Government Board, no doubt that would be done.

quired into by Captain Purvis, acting under the Admiralty. It was no part of his (Mr. Grant Duff's) duty to defend the proceedings of Mr. Brown, but it was only fair to say that the report of Captain Purvis to the Admiralty after the inquiry instituted by him was very favourable to Mr. Brown's conduct. Captain Purvis came to the conclusion that the act of Mr. Brown was an act committed in legitimate self-defence. A document which had reached the Admiralty fully confirmed that view. It was the report of a German officer to the German Admiralty in relation to some other proceedings, and it was decidedly favourable to Mr. Brown. The contradictory opinions that had been expressed made it difficult to arrive at a correct view of the situation from a distance; but it would seem that in the opinions of impartial persons on the spot, as well as in the opinion of our own Admiralty, there was a great deal more to be said for Mr. Brown than was to be said against him. Shortly afterwards, Mr. Brown came to Levuka and told Sir Arthur Gordon that he was ready and willing to submit his proceedings to a full investigation. Sir Arthur Gordon, while holding that it was impossible to inquire into such a matter at a distance from the place where the events occurred, would probably so far have gone into it as to have enabled Mr. Brown to state his case, if the Chief Judicial Commissioner, without any concert with Sir Arthur Gordon, had not directed the commencement of criminal proceedings against Mr. Brown. The continuance of the inquiry before Sir Arthur Gordon would have been manifestly improper; and he, therefore, informed Mr. Brown that, while proceedings before the Chief Judicial Commissioner were pending, he felt it necessary to adjourn the further prosecution of his own inquiry, adding that, whatever opinion he might entertain of the judiciousness of Mr. Brown's action, he felt bound to inform him that no evidence had been laid before him which appeared to render the prosecution of a criminal charge against Mr. Brown necessary. Sir Arthur Gordon also wrote a letter to the Chief Judicial Commissioner, in which he communicated to that officer an opinion similar to that which he had expressed to Mr. Brown. Partly in consequence of this letter, and partly, if not, as might be presumed, chiefly,

because there was really no informant or prosecutor in the case, the charge against Mr. Brown was dismissed when it came on for hearing before Mr. Gorrie, and Mr. Brown immediately afterwards sailed on his return to Duke of York's Island. Most of the witnesses had since left the locality; and even if it were possible to do so, it did not appear that any useful purpose would be served by re-opening the inquiry.

MR. JUSTIN M'CARTHY said, the House owed the hon Member for Glasgow a debt of gratitude for raising this question. It had been stated by the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke) that the Government were determined, as far as they could, to prevent missionaries or other persons from exercising illegitimate authority over the Natives with whom they might come in contact. He hoped the Government would make it understood that the matter was not to end by their merely making that statement, and expressing that opinion, but they would enforce what they had stated. Very serious difficulties had arisen because former Governments had not made it known that they were determined to enforce such a view. There was a tendency on the part of missionaries in foreign countries to interfere with the political and territorial affairs of the countries in which they were stationed; and he could not help thinking that if Her Majesty's Government, in conjunction with the other Powers, could put an end to this state of things, they would do a large amount of good. There could, he thought, be no doubt that the work of missionaries in the making of converts would be helped forward by their not taking part in any political operations in the countries to which they were sent for very different purposes.

SIR HARRY VERNEY thought it necessary that where the Government gave any sanction or approval to the establishment of British subjects in any part of the world, and especially in uncivilized parts, there should be, if possible, some means of protecting and controlling them, and preventing them being guilty of actions which bring disgrace on their country.

MAJOR NOLAN wished to explain to the House that he had had some private conversation with Mr. Stanley with reference to his African Expedition, and

indeed. He might state that the rates were 112 per cent over the market price previously asked. The rise in the price of the seed was in consequence of the passage of that Act. The great demand for fresh seed caused an increase in the price. Consequently, Boards of Guardians had to buy seed at a price at which potatoes never reached before in Ireland. So, from every point of view, the charge was an exceedingly heavy one upon tenant farmers, and it would be impossible for them to meet it at the present time. The Guardians admitted that if the advance were collected at the present time, the result would be that the feelings of the people would be set against the re-payment of the loan altogether. The people desired to pay it; but if pressed by the Guardians for re-payment before their crops were brought in, public opinion in Ireland would be more or less set against the re-payment altogether. At present, the desire was to look upon this as a just debt, and to avoid any unnecessary hardship in the collection of the money. They, therefore, thought that the Amendment of the right hon. Gentleman the Lord Mayor of Dublin was a fair and proper one. They asked the assent of the Government to the proposal that the landlords should not be asked to repay their loans for two years; but they now asked that the same period should be extended to the tenants. The tenants were willing to pay half of the advance, if postponed for a year, and the remaining half at the end of the year. He begged to move—

THE CHAIRMAN said, that he thought they were not proceeding quite regularly. The moneys for this purpose would be paid out of the Public Funds, and not out of the funds of the Irish Church Temporalities Commission. Under those circumstances, it was necessary that an Instruction should be received by the Committee, in the form of a Resolution passed by a Committee of the Whole House, before an Amendment could be proposed.

MR. PARNELL said, that they did not propose to take money out of the Public Funds. The money had been already taken out of the Public Funds, and the Amendment dealt only with the question of the postponement of re-payment. With all submission to the Chair, he thought it was quite competent to

move the Amendment. He would also point out that the Bill already dealt with grants from the Public Funds. By Clause 5, the Commissioners of Public Works were authorized to make advances of certain amounts of public money.

THE CHAIRMAN said, that he only desired that their proceedings should be regular. If it were desired to take money from the Public Funds, the proposal must emanate from a Minister of the Crown; or if the purpose were to postpone an instalment of a debt due to the Crown, the consent of the Crown would be necessary. Perhaps the right hon. Gentleman the Chief Secretary for Ireland would state his opinion on the matter, in order that he (the Chairman) might more clearly understand the points involved.

MR. W. E. FORSTER said, that he understood that any proposal with regard to the postponement of the re-payment of money to the Public Funds might be brought within the scope of this Bill without going through the form of a Resolution in Committee to obtain the approval of the Crown. He had, however, to make a proposal to which he trusted the hon. Member for Cork City (Mr. Parnell) would agree. He could not see that a loan for seed was in the same position as a loan for works. Loans for works, which necessarily took some time in making, could not repay themselves for some years; but loans for seed, which he believed had done a great deal of good, would repay themselves in a very short time. They had every reason to believe that, in an enormous majority of cases, the loans for seed would abundantly repay themselves very soon. There was a larger crop of potatoes in Ireland than there had been for a long time, and much good would result from the advance. He was very glad to find that the feeling in Ireland was strongly in favour of the re-payment of these loans. If it had not been so, it would lead them to suppose that it was thought unnecessary to repay any loan. A loan which would repay itself so soon, eminently required to be repaid. About £600,000 had been granted for these loans, and in a very large proportion of cases it would be far better for everybody that the re-payment should be made soon. It would be a dangerous thing to let the crop, for the

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ORDER OF THE DAY.



**RELIEF OF DISTRESS (IRELAND) ACT
(1880) AMENDMENT BILL—[BILL 205.]**

(*Mr. Forster, Lord Frederick Cavendish.*)

COMMITTEE. [*Progress, 18th June.*]

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short Title).

On Question, "That the Clause stand part of the Bill?"

MR. BIGGAR said, that he had intended to give Notice of an Amendment to the clause. The result of the Bill was to give assistance to the landlords and not to the tenants, and he felt very much disposed to move that the clause should not stand part of the Bill. He hoped, however, that such amendments of the Bill would be made in the course of its progress through Committee as would entitle it to be called a Bill for the Relief of Distress in Ireland. At present, it seemed rather a Bill for the relief of landlords than tenants.

THE CHAIRMAN asked whether the hon. Member proposed to move an Amendment to the clause?

MR. BIGGAR said, he was proposing to criticize the clause.

THE CHAIRMAN said, the Question was that the clause stand part of the Bill.

MR. BIGGAR said, he proposed to move that the clause should not stand part of the Bill. The result of the Bill would not be relieve Irish distress, but only to give a large bonus to Irish landlords. He had recently received letters from various of his constituents in the County Gavan, making complaints that a highly respected gentleman who was formerly a Member of that House had borrowed a large sum of money from the Government and was making objectional improvements upon his property, instead of employing the money in the relief of the small farmers. He was, in fact, giving employment to the sons of those farmers who were able to pay their rent, instead of granting relief to those who were in distress. Some complaints had been made in a great many other places, and he (Mr. Biggar) thought he was right in saying that

the result of this Bill, particularly of this clause, would be to perpetuate that state of things. He thought that the clause should be expunged from the Bill, until they could see what the result of Amendments to the measure would be.

Question put, and *agreed to.*

Clause 2 (Amendment of Relief of Distress Act).

MR. PARNELL said, that in the absence of the right hon. Gentleman the Member for the County Carlow (Mr. Gray), he had to ask for permission to move the Amendment of which the right hon. Gentleman had given Notice. The Amendment related to the advances made by Parliament for the purpose of enabling Boards of Guardians in certain districts of Ireland to lend or advance seed in the shape of the potato seed, and for other crops, to such persons as should require them. By the Act under which these advances were authorized, it was provided that the loans should be repaid by the Boards of Guardians to the Treasury at the end of next year. But, in order to effect that re-payment, it had been necessary for the Boards of Guardians to collect the first instalment of the advance from the tenants. This was done, in many cases, before the growth of the crop to produce which the seed had been lent had been got in. It was very commonly the case, with regard to potatoes, to allow them to remain in the ground until a late period, because it was found that they ate the better for being left in the ground; also that they were less liable to disease afterwards. There was some talk in Ireland during the late Election of asking the Government to remit the whole of the amount advanced for seed; but the leaders of public opinion, upon re-considering the matter, had thought that if they could obtain for the tenants the postponement of the re-payment of the first instalment for another year, they would be thus in a position to pay the amount to the Treasury. The loans had been described as having been of enormous assistance to all classes in Ireland, and it had been felt by the tenants that they ought to endeavour to do their very best to repay the loans as soon as it was possible to be done. The seed purchased for the purpose of making these loans was purchased at a very high rate

indeed. He might state that the rates were 112 per cent over the market price previously asked. The rise in the price of the seed was in consequence of the passage of that Act. The great demand for fresh seed caused an increase in the price. Consequently, Boards of Guardians had to buy seed at a price at which potatoes never reached before in Ireland. So, from every point of view, the charge was an exceedingly heavy one upon tenant farmers, and it would be impossible for them to meet it at the present time. The Guardians admitted that if the advance were collected at the present time, the result would be that the feelings of the people would be set against the re-payment of the loan altogether. The people desired to pay it; but if pressed by the Guardians for re-payment before their crops were brought in, public opinion in Ireland would be more or less set against the re-payment altogether. At present, the desire was to look upon this as a just debt, and to avoid any unnecessary hardship in the collection of the money. They, therefore, thought that the Amendment of the right hon. Gentleman the Lord Mayor of Dublin was a fair and proper one. They asked the assent of the Government to the proposal that the landlords should not be asked to repay their loans for two years; but they now asked that the same period should be extended to the tenants. The tenants were willing to pay half of the advance, if postponed for a year, and the remaining half at the end of the year. He begged to move—

THE CHAIRMAN said, that he thought they were not proceeding quite regularly. The moneys for this purpose would be paid out of the Public Funds, and not out of the funds of the Irish Church Temporalities Commission. Under those circumstances, it was necessary that an Instruction should be received by the Committee, in the form of a Resolution passed by a Committee of the Whole House, before an Amendment could be proposed.

MR. PARNELL said, that they did not propose to take money out of the Public Funds. The money had been already taken out of the Public Funds, and the Amendment dealt only with the question of the postponement of re-payment. With all submission to the Chair, he thought it was quite competent to

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MR. W. E. FORSTER said, that he understood that any proposal with regard to the postponement of the re-payment of money to the Public Funds might be brought within the scope of this Bill without going through the form of a Resolution in Committee to obtain the approval of the Crown. He had, however, to make a proposal to which he trusted the hon. Member for Cork City (Mr. Parnell) would agree. He could not see that a loan for seed was in the same position as a loan for works. Loans for works, which necessarily took some time in making, could not repay themselves for some years; but loans for seed, which he believed had done a great deal of good, would repay themselves in a very short time. They had every reason to believe that, in an enormous majority of cases, the loans for seed would abundantly repay themselves very soon. There was a larger crop of potatoes in Ireland than there had been for a long time, and much good would result from the advance. He was very glad to find that the feeling in Ireland was strongly in favour of the re-payment of these loans. If it had not been so, it would lead them to suppose that it was thought unnecessary to repay any loan. A loan which would repay itself so soon, eminently required to be repaid. About £600,000 had been granted for these loans, and in a very large proportion of cases it would be far better for everybody that the re-payment should be made soon. It would be a dangerous thing to let the crop, for the

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purpose of which the money had been advanced, come to an end without any repayment being made. That was an argument that tended very strongly against the proposal that had been made. But there were some very distressed Unions; and if the clause, which he believed was not strictly in Order, were now withdrawn, he would undertake before Report that a clause should be brought in which would give the Local Government Board the power to postpone payment for one year in cases in which it might be right to do so. He must accompany that statement by saying that they should require very strong cases of hardship to be shown before declining to exercise the power to exact re-payment in the present year. They should recollect that the largest sum to be demanded from any tenant would be £2 10s. He was aware that was a large sum to some of the small tenants in Ireland; but, generally speaking, the amount to be repaid would not be so much. He was informed that this money would be in process of collection between November and March, and, therefore, it would be paid out of the crop of the present year. He hoped that the hon. Member would consent to the course that he had suggested.

Mr. CALLAN said, he understood the right hon. Gentleman the Chief Secretary for Ireland to be disinclined to extend the time, except in certain distressed Unions. The Seed Act applied to all Ireland, and in counties such as that which he represented it was only the very poor who, in extreme cases, had applied for seed. The seed given was of a very inferior quality, and it was only applied for when persons could neither beg nor borrow from any other source. It was, therefore, only the very poorest of the farmers who had applied for this miserable seed last spring. Although they had had no food for a long time, they were to be called upon to repay these small loans immediately after the harvest. If that were done, they would only bring the poor into the same condition next year that they were in this. If this year there was a good harvest, by means of the loan farmers might be enabled to tide over to next year. He was not in favour of the extreme measures put forward by hon. Gentlemen with whom he did not act; but he believed there could be no greater boon than the extension of the time

sought for. He hoped that the Government would accede to the proposal that had been made.

Mr. SYNAN said, that he thought the proposal of the right hon. Gentleman the Chief Secretary for Ireland to postpone the matter until the Report was very fair. He did not think there could be any objection to leaving it to the discretion of the Local Government Board in Dublin, and to the Boards of Guardians, to determine in which cases re-payment should be postponed. It might be necessary in some cases to permit postponement, whereas, in others, there might not be the same necessity.

Mr. TOTTENHAM said, that there was no doubt that in many Unions cases would arise in which the discretion of the Local Government Board and the Poor Law Guardians could be fittingly exercised. He thought it should be clearly understood that this was not to be taken as the commencement of a movement for the repudiation of the loan. He regretted that in several Unions in Ireland there was a desire to repudiate the re-payment of the loans.

Mr. O'SHAUGHNESSY said, that the right hon. Gentleman the Member for Carlow (Mr. Gray) had stated, on another occasion, that he had originally intended to bring forward something very like a proposal for the remission of the debt on account of this loan; but that he had found public opinion in Ireland did not justify that course. For that reason, they might rest assured that the Irish people did not desire to do anything like repudiation. He should like to know whether the right hon. Gentleman the Chief Secretary for Ireland meant to extend the discretion of the power to cases in the unscheduled, as well as in the scheduled Unions? He hoped that he would undertake that power should be given to the Local Government Boards to extend their discretion to the Unions which were not scheduled as well as to those which were scheduled. He should suggest that, under the circumstances, the Amendment of the right hon. Gentleman the Member for Carlow should be withdrawn, and that it should be brought forward on the Report in order that they might see what the proposals of the Government were.

Mr. W. E. FORSTER said, that the clause should be so framed that the

Local Government Board should consult the Boards of Guardians as to the Unions in which postponement of the instalment should apply. He understood from the Clerk at the Table that there was some difficulty as to the form in which this matter should be brought forward. In the case of an additional grant from the Public Funds, it was necessary to go through the form of a Committee.

MR. BIGGAR said, that he could not understand the grounds upon which the right hon. Gentleman the Chief Secretary for Ireland opposed the Amendment proposed by his hon. Friend (Mr. Parnell). The right hon. Gentleman admitted that the proposal was right in principle, but only objected to the details of it. There was no doubt that the Local Government Board in Ireland was thoroughly overworked. If the independent occupiers had any substantial moveable property that could be turned into money, the Guardians would not have made these advances; but they had not, and they not only required seed for their land, but they required sustenance for themselves. In many districts the people were more or less paupers, and were dependent upon charitable assistance; yet it was proposed, in remote districts, to exact re-payment of these loans before the people had the money to repay them. He did not think there was anything unreasonable in the proposal for postponement. It was only proposed that in the suffering districts the re-payment should be postponed for one year from the present time.

MR. PARNELL said, he did not consider the proposition of the right hon. Gentleman the Chief Secretary for Ireland was quite so satisfactory as some of his hon. Friends seemed to think. But, in the absence of his right hon. Friend the Lord Mayor of Dublin (Mr. Gray), who had placed this Amendment on the Paper, and who took a great interest in the question, he could not take upon himself the responsibility of rejecting the compromise, more especially as he was assured that they could not continue the discussion upon this question by reason of the Rules of the House; but he would suggest to the right hon. Gentleman the Chief Secretary for Ireland, that he should take the power in his proposed new clause for the Local Government Board to postpone the re-

payment of a portion, or the whole, of the instalments in any Union that the Local Government Board might think proper, because it was exceedingly probable that there would be a great many Unions where it was difficult for a portion of the tenant farmers to pay this year, and yet the remaining portion of the farmers might be able to pay. At the same time, he thought it would probably have been better if he could allow the whole of the charge to be postponed for a year. The Committee would recollect that that was the intention of the Legislature on the passing of the Act of Parliament. The intention of the Legislature was evidently that the farmer should pay in the next 12 months. That was shown by the way the Act of Parliament referred to the Boards of Guardians; but by a rule necessarily adopted by the Local Government Board, in order that the Boards of Guardians should pay next year, it became necessary that the tenants should pay this year, so that the intention of the Legislature was clear that the tenants should not be called upon to pay this year. He thought that where the payment could not be made without undue harshness or pressure upon those who had contracted the debt, then the re-payment was a matter which could not fairly be insisted upon. Of course, they had been charged with the desire to repudiate their debts; but he believed that no people were more willing than the people of Ireland to carry out their just contracts—contracts entered into according to the conditions under which contracts were usually entered into in civilized countries. He had seen no disposition on the part of the Poor Law Unions in Ireland to repudiate their just debts. He should ask permission to withdraw the Amendment.

MR. TOTTENHAM said, that he had accurate information as to the desire shown in some Unions to repudiate the re-payment of the loans granted under the Seeds Act. In one case a resolution had been agreed to by the Guardians of a Union, declaring that it would be morally impossible in a great majority of cases to collect the tax for the supply of seed potatoes.

MR. FINIGAN said, that one swallow made no summer, and the fact that one Board of Guardians wished to repudiate their debt did not prove that the

purpose of which the money had been advanced, come to an end without any repayment being made. That was an argument that attended very strongly against the proposal that had been made. But there were some very distressed Unions; and if the clause, which he believed was not strictly in Order, were now withdrawn, he would undertake before Report that a clause should be brought in which would give the Local Government Board the power to postpone payment for one year in cases in which it might be right to do so. He must accompany that statement by saying that they should require very strong cases of hardship to be shown before declining to exercise the power to exact re-payment in the present year. They should recollect that the largest sum to be demanded from any tenant would be £2 10s. He was aware that was a large sum to some of the small tenants in Ireland; but, generally speaking, the amount to be repaid would not be so much. He was informed that this money would be in process of collection between November and March, and, therefore, it would be paid out of the crop of the present year. He hoped that the hon. Member would consent to the course that he had suggested.

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MR. W. E. FORSTER said, that the clause should be so framed that the

wish to throw the responsibility for this upon him, because, no doubt, it had come as one of the heritages created by the ineffectual attempts of the late Government to deal with the distress. The people of Ireland had been living on meal supplied by charitable contributions; those contributions had fallen off, and in a few weeks the strain of relieving the people would be thrown upon the system which the Chief Secretary for Ireland was putting into operation. But the few Poor Law Boards administering relief had been doing so in an inefficient manner, and with the most careful regard to the pockets of the ratepayers; and already the Chief Secretary for Ireland had had to nominate paid Commissioners in their stead. The Committee possessed little information as to these official Guardians, and it might, he believed, be assumed that it was not easy to get men capable of dealing at short notice with the emergency which existed in Ireland. Any inducement, therefore, which the Legislature could give the Poor Law Unions to co-operate in the system of relief, would be of the utmost importance. He would, therefore, suggest that, in the event of his Amendment being agreed to, the Local Government Board should announce to such Unions as they thought proper, where any emergency existed, that they would give one-half, one-third, or one-fourth of the amount paid for out-door relief. The Unions would then have a direct stimulus to administer relief, because, if they refused, they could be forced to do so, and if they threw obstructions in the way of the Local Government Board, they could be punished by withholding from them the proposed grants in aid. He had a right to say that the unanimous opinion of the Irish Members was entitled to consideration; and when he moved the second reading of his Bill, hon. Member after hon. Member had risen and urged its acceptance by the Government. The Irish Members had in every way met the wishes of the Government, and they had agreed to leave the distribution of the money in the hands of the Poor Law Boards, although they were convinced that there existed an emergency with which it was impossible to cope, even by means of those Boards. He, therefore, urged upon the right hon. Gentleman the necessity of accepting his Amendment. The

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money was to come out of the Irish Church Fund, and would therefore lay no burden on the Imperial Exchequer. It was the money of the Irish people. Already £1,500,000 had been given out of the Irish Church Fund to the Commissioners of Works; and he believed that this grant, which he now proposed, would be instrumental, during the six weeks which intervened between that time and the harvest, in preventing much sickness and in saving a good many lives. The Special Commissioner of *The Freeman's Journal* reported that fever was raging in Swinford Union; a total of 21 people had been removed to the workhouse suffering with fever. Some doubt had been cast upon the opinion that it was famine fever; but, if it was not famine fever, it was fever caused by distress, and by want of food, as well as by the want of change of diet. Again, if it was not famine fever, it was because there had not been the same extremity of distress and actual famine in Ireland as there had been in 1846-7; but it was more virulent and more catching, and was likely to spread over a large area, if some machinery could not be had to provide better food and clothing for the people than they had during the last six months. He had information that the allowance of Indian meal to each person per day was about 32 ounces, and this, it would be seen, was not so good as the allowance in the prisons in this country, where they gave soup and potatoes twice a-day. Under these circumstances, he urged upon the Government the necessity of making further provision for the relief of the people of Ireland. But, unless some relief were given to the bankrupt Poor Law Boards, it would be impossible to make any change in the scale of diet which they were obliged to adopt. With the object, therefore, of preventing further sickness and loss of life in Ireland, he begged to move the insertion of the Amendment of which he had given Notice, such Amendment to be taken, as he proposed, in connection with the next Amendment standing in his name.

Amendment proposed,

In page 1, line 15, after "Act," to insert "And whereas it is desirable to enable the Commissioner of Public Works, on the recommendation of the Local Government Board, to advance moneys, by way of grant, to Boards of

Guardians in scheduled Unions, subject to the restrictions and conditions hereinafter set forth."—(Mr. Parnell.)

Question proposed, "That those words be there inserted."

MR. LITTON said, he thought it would be extremely desirable if the right hon. Gentleman the Chief Secretary for Ireland could adopt some such suggestion as had been made. No doubt, it would be an encouragement to the Unions if they knew that a certain portion of the expenses of out-door relief would be paid out of some such fund as that indicated by the Amendment of the hon. Member for Cork City (Mr. Parnell). He had the more pleasure in supporting these suggestions, because he had strongly opposed the Bill of the hon. Member. He could not help thinking, however, it was most desirable to give relief to Unions in the manner proposed; and, as they were to have a clause brought up on Report having reference to the postponement of the instalments of the loan for seed potatoes, he thought that power might also be given to the Local Government Board to grant sums of money in aid of out-door relief, out of a portion of the Irish Church Fund, as suggested. This would be accepted as an indication of the intention of the Government to meet the wishes of the people in Ireland.

MR. O'SHAUGHNESSY said, the proposal made by the hon. Member for Cork City (Mr. Parnell), the other evening, differed from that now made. In the course of the interval, the hon. Gentleman had abandoned certain features of his project. The Amendment, as it now stood, meant that the Local Government Board should take to themselves the power to make grants, if it became necessary to do so, and was intended simply as a matter of precaution. They had lost one of the means by which distress in Ireland had been relieved—namely, the voluntary societies which had collected alms, but which were now at the end of their means, and were about to cease to exist, and the entire expense was now to be thrown upon the Local Government Board, who were confessedly unable to meet the distress of the past. Was it possible, he asked, that the Government were about to reject the means by which the hands of the Local Government Board could be strengthened at the moment when the

machinery hitherto employed at their side was about to pass away? He urged on the right hon. Gentleman the Chief Secretary for Ireland to accept the terms in which the Amendment was drawn. No constraint was put upon the Local Government Board to give the money. If they gave it, they were to have regard to the financial condition of the Unions, and were not to throw it broadcast over the land. They were only to give it in cases where the Unions would be reduced to further pauperism by the additional rates, and it was on recommendation of the Local Government Board, the Central Board itself, that any such grant should be made. Therefore, he thought the Amendment of the hon. Member for Cork City contained every provision and precaution which could be deemed necessary for the purpose of saving the proposal from abuse; and, in his opinion, the proposal was one which might be abused unless it were so protected. It might be abused by those Boards of Guardians who had shown signs of neglecting their duty; but means had been taken to prevent this, because it rested with the Local Government Board to recommend the grant. Under those circumstances, surely the Government would hesitate before they refused to accept the Amendment. The Government organization in Ireland had already required the assistance of additional voluntary helps—the Mansion House Fund, and the other Funds which had been created. But those Funds were now disappearing, and a worse time was at hand, when the distress, according to all official accounts, would reach its acme. Again, he asked, would the Government cast away means which need not be called into use, but which, if the distress continued, would become absolutely necessary? There was now an almost unanimous opinion on the part of the Irish Members in favour of this proposal. The hon. Member for Tyrone (Mr. Litton) had objected to the machinery which the hon. Member for Cork City had proposed to set up for the purpose of applying these grants. He had come down the other night, and was the only hon. Member who had made a speech against the Bill of the hon. Member for Cork City, grounded on his objections to the machinery proposed to be used; but the hon. Member had that morning joined in recommend-

ing the Government to adopt the Amendment. He (Mr. O'Shaughnessy) could not say what were the views of the hon. Member for Louth (Mr. Callan); but it was certain that, with the possible exception of that hon. Member, the whole of the Irish Representation approved the principle of the Amendment. Under those circumstances, apart altogether from what he believed would be the danger of losing the machinery suggested, he appealed to the right hon. Gentleman to accept the Amendment of the hon. Member for Cork City.

MR. WARTON said, it appeared to him that the sentence on the Paper was incomplete, inasmuch as it had no termination.

MR. W. E. FORSTER said, he could not but admit that hon. Members who were interested in this discussion were approaching the question in a way which showed their desire to meet all the difficulties of the case. Perhaps he might be allowed to explain his position in the matter. He did not want to make a larger dip into the Irish Church Fund than he could help; but he admitted there were purposes to which it might be usefully applied. He could not absolutely forget what was the wording of the Land Act—namely, "That the said property should be devoted mainly to the relief of those in suffering, yet not so as to impair the obligation which attached to property under the Acts for the relief of the poor." He admitted that, inasmuch as this was an Irish Fund, the opinion of the very large majority of Irish Members with reference to it ought to be considered. But he could not forget the duties of his own position. If he were responsible for the management of the Poor Law in Ireland, he must be careful before assenting to what would be, to his mind, of very injurious effect upon the future action of the Poor Law. He thought it would be a very grave defect to weaken the sense of obligation on the part of the ratepayers to relieve distress, especially when it was remembered that the rates fell in Ireland more directly upon the land than they did in England. It was a very serious matter to lay down the principle that the rates should be excused when a period of distress arrived. He could not, also, forget the great benefit arising to the rates by the public subscriptions to the charitable funds, in consequence of

which they had been remarkably exempt from pressure during the late distress. In many Unions where distress had occurred there had been scarcely any increase in the rates. They had now only four or six weeks to wait before the harvest would be ripe, and if the distress was not relieved by a good harvest, the Government would be driven to take steps beyond anything they had yet taken. That was the reason why he had been obliged to take up a strong position against the proposal made on a former occasion. The proposal now placed before them was, however, different. It was not absolutely to give a grant; but it left it to the Local Government Board to make a grant, if they found the distress could not really be relieved otherwise. He confessed he was not unwilling to accept that principle; but he must state that, in what he considered to be the interest of the Boards of Guardians, he should in all cases require definite proof that such grant ought to be made. He was grateful to have the burden of responsibility lightened by having that resort in the back ground, but wished to be clearly understood. He hoped the Guardians throughout the distressed districts would understand that the Government thought they ought to be able to do with the offer of loans made to them, and that they should clearly prove the necessity of a grant in the event of the offer of loans not being sufficient to meet their distress.

MR. CALLAN said, he was at a loss to understand why his name should be drawn into this discussion by the hon. and learned Member for the City of Limerick (Mr. O'Shaughnessy). The course taken by him (Mr. Callan) the other evening had been alluded to.

THE CHAIRMAN said, that the hon. Member was out of Order in referring to other proceedings in the House of Commons.

MR. CALLAN said, he was referring to what had taken place in this discussion. When the Bill of the hon. Member for Mayo (Mr. O'Connor Power) came before the House, he adopted the course which he should recommend to hon. Members—namely, he supported his opinion, and never shirked a division in support of that opinion. This Amendment was quite different from the question before the House the other evening. The other evening he opposed the Bill;

Mr. Litton

But he gave this Amendment his warmest and cordial support. For many reasons he supported the proposal that the Local Government Board should advise the Commissioners of Public Works to grant money to the Boards of Guardians by way of a grant. There were many cases where relief could not be given except money was advanced by way of grant. Some Unions would be happy to accept money by way of a loan who would not take anything as a grant. He thought, therefore, that it should be in the power of the Local Government Board to recommend that certain Unions should receive part by grants and part by loans; but he would suggest, however, that it would be better to leave the words "in scheduled Unions" out of the Amendment.

SIR H. HERVEY BRUCE said, that he did not wish to be understood as agreeing with the principle of the Amendment. He did not think it fair to give to one district in Ireland a preference over others.

MR. P. MARTIN said, that he thought the power of the Local Government Board to make grants in cases where the Unions might be unable to bear the excessive strain on their resources in consequence of exceptional distress ought not to be confined to certain districts, but should be extended to the whole of Ireland. There might be a difficulty about the extension of the Amendment, if it were not proposed to leave the Guardians in the hands of the Local Government Board and within the direction of the right hon. Gentleman the Chief Secretary for Ireland. In many Unions, as the right hon. Gentleman well knew, which were not scheduled under the Relief of Distress Act, the suffering and destitution had been on the increase. The rates struck in these unscheduled Unions had been very high, and would, if continued, pauperize many of those who had not up to the present sought relief. He trusted the right hon. Gentleman the Chief Secretary for Ireland would listen to the suggestion which had been made on the other side; and, as this Fund belonged to the entire Irish people, the principle of the Amendment should be extended to include every Union throughout Ireland where exceptional distress which ought to receive aid should be ascertained to have overtaxed the resources of the Union.

MAJOR NOLAN said, that he begged to thank the right hon. Gentleman the Chief Secretary for Ireland very much for the manner in which he had accepted this Amendment. He thought it might be worked so as to produce the greatest benefit to the county from which he came, and he thought it might also prevent much distress in Coleraine. If there were any distress in Galway or Kilkenny, he had no doubt relief would be sent to those counties through the Local Government Board, and, in that way, distress in any part of Ireland would be met. In the distribution of large funds like those of the Irish Church, it was inevitable that poorer districts should get more than rich ones, and the sooner people made up their minds to that being the case the better. He had a suggestion to make to the Government with respect to this Bill. It was clear that the Bill could not receive the Royal Assent before the 25th of July, and the Boards in Dublin could not do anything in the matter until the Bill received the Royal Assent. He knew that that was so, because he had some correspondence on the subject when the Seeds Act was passed. He was then anxious to issue Circulars before the Statute received the Royal Assent; but they explained that it was very difficult for them to act upon any Bill passing through the House, and that they must wait until the Act had received the Royal Assent. In the present state of the case, it would make a great difference to the distressed districts whether the good intentions of the right hon. Gentleman the Chief Secretary for Ireland were to be put into effect within four or five days, or whether they were not to be carried out before the 25th of July. This was a matter of the greatest importance, and he hoped that the Government would at once issue instructions to the Local Government Board, that they might venture to act upon this clause before it received the Royal Assent, and after passing the House of Commons. He might mention that, to his knowledge, fever was very bad at the present moment in many districts. In the neighbourhood of Loughrea, and in the County of Galway, as many as 10 families were down at once with fever. He hoped that the right hon. Gentleman the Chief Secretary for Ireland would not only, as he had done, accept the proposal of the hon. Gentleman the Member

for Cork City (Mr. Parnell), but that he would take care that it was carried into execution.

MR. W. E. FORSTER said, he thought that the Amendment must be restricted to the scheduled Unions, or rather to the action of the 3rd section of the Relief Act, which gave power to the Local Government Board, or certain Unions, to break the old Poor Law by giving outdoor relief. He thought, therefore, it would be better to withdraw the words "in scheduled Unions," because the scheduled Unions were understood to be those scheduled for the purpose of loans made. It did not follow that the 3rd section of the Act must apply to the Unions also which had been scheduled. But this power given to the Local Government Board ought to be restricted to those Unions in which only the power had been given to break the old Poor Law and to give outdoor relief. He must tell the hon. Member for Kilkenny (Mr. P. Martin) that he understood the wish of the Committee to be that, if such grants were made, they ought to be made not simply because the rates were high, and with the view of relieving the rates, but because, without such help, the people could not be relieved from distress. The mere fact of the rates being high was no reason for making a grant. With regard to the observations of the hon. and gallant Member for Galway (Major Nolan), he thought he could show him that the Government were anxious to do all that they could. He might state that, yesterday, he gave directions that all the distressed Unions should be informed that the terms for loans would be much more favourable than at first, and that whatever money was borrowed would be advanced on the terms, and would be fixed by this Act. He thought that that would anticipate the good effect of its passing, and let the information go out to the distressed districts. He should suggest to the hon. Member to strike out the word "scheduled" from his Amendment. He thought it would be better to put it in this way—

"Power should be given to advance money by way of grant to Boards of Guardians of any Union which gives outdoor relief under Section 3 of the Relief Act."

They could not exactly settle the terms until they came to the clause.

DR. LYONS said, that it might be necessary to provide for very exceptional

circumstances. Without going into the figures that he had produced to the Committee on a former occasion, and which proved that the measures proposed to be adopted were very inadequate to meet any great increase of distress in Ireland, he thought it would be desirable for the right hon. Gentleman to make some elementary calculations as to the sum which would be required. Before fixing the amount to be advanced, it would be very desirable to ascertain how much per head it would be necessary to provide for a given time in case of the recurrence of severe distress over an extended period. It would be found that £400,000 already distributed had not afforded above 1d. per head per day for the 500,000 persons who had been relieved. The relief of those 500,000 persons extended over a period of four months, and the right hon. Gentleman must be aware that in various districts of Ireland the exact amount of rates levied was no measure of the distress existing or of the relief given. They knew that relief was given very much by the varying theories of Boards of Guardians. In some districts where the distress had been considerable the rates were not high, and in other districts where less distress had existed the rates had been very high. As he said on a former occasion, if it should unfortunately happen that they had to face another bad harvest, and that this should turn out to be a wet year, there was no doubt that they would have before them a period of suffering such as Ireland had not gone through for a quarter of a century. In view of these circumstances, it would be well to make provision for the greatest possible pressure of distress that could occur. He would suggest that it might be much wiser to take the outside figures as the ground-work for the relief which could be distributed. He was not naming any figure; but he would strongly recommend the right hon. Gentleman only to go into an elementary calculation, when they would be able to see the necessity there was for providing for large contingencies.

SIR STAFFORD NORTHCOTE said, it would contribute to the progress of the Bill if they were to confine themselves to the Amendment, the principle of which the Government accepted. That principle was a definite one, and he was not going to raise any objection

Major Nolan

to its acceptance; but he thought it would be more convenient that the Government should undertake to bring up a clause, either before or upon Report, embodying the matter, inasmuch as the details required their consideration, and they would lose a great deal of time by discussing them in the present state of their opinion. Whatever clause was to be adopted, there was no use of discussing the details at the present time.

THE CHAIRMAN asked if the hon. Member for Cork City (Mr. Parnell) withdrew his Amendment?

MR. PARNELL assented.

Amendment (*Mr. Parnell*), by leave, *withdrawn*.

Amendment (*Mr. W. E. Forster*) *agreed to*.

MR. SYNAN said, that he did not wish to move the Amendment which stood in his name. There was an alternative one on the Paper in the name of the hon. Member for Roscommon (Dr. Commins).

MR. PARNELL said, that he thought his hon. Friend (Mr. Synan) was under a wrong impression. He would see that the Amendment in the name of the hon. Member for Roscommon (Dr. Commins) was not of an alternative character for that which stood in his name. The Amendment of the hon. Member for Roscommon was one throwing an additional sum of £750,000 upon the Consolidated Fund, whereas that in the name of the hon. Member (Mr. Synan) was one reducing the rate of interest to 1 per cent.

MR. SYNAN said, in that case, he would briefly call the attention of the Committee to his Amendment.

THE CHAIRMAN said, that he had called upon the hon. Member to move his Amendment, and that, as he had not done so, he had called upon the right hon. Gentleman the Member for Carlow (Mr. Gray).

MR. PARNELL said, that the right hon. Gentleman the Member for the county of Carlow (Mr. Gray) not having risen to move his Amendment, and no Amendment having been before the Committee subsequently, he submitted that his hon. Friend (Mr. Synan) was entitled to move that which stood in his name.

THE CHAIRMAN said, that he understood the hon. Member for the City of

Cork (Mr. Parnell) was going to move the Amendment of the right hon. Member for Carlow (Mr. Gray).

MR. SYNAN said, that the object of his Amendment was to save the Irish Church Surplus Fund from bearing the loss of interest which would accrue by giving this money out of that Fund at 1 per cent. He thought it would be well for Her Majesty's Government to consider whether the interest, to be charged by the Treasury in its loans for this Bill to the Irish Church Commissioners, ought not to be 1 per cent. The Church Fund had only a balance to its credit of £350,000, whereas it owed a sum of £7,500,000. By having to give this sum of money at 1 per cent interest, the Church Fund would lose the difference between 1 per cent and $3\frac{1}{4}$ per cent for a period of 37 years, and which would amount to over £13,000 a-year. That would make a heavy addition to the charges already placed upon the Fund. The balance of the Church Surplus would, if capitalized, amount to about £6,000,000, and it would be reduced by the present loans, and the Education loans, to less than £4,000,000. In fact, at present there was no actual surplus at all. The Church Commissioners were only in receipt of a yearly income, from different sources, which were pledged to the Treasury for loans, amounting to a large sum. In fact, it might turn out that there might be no surplus at all, if this mode of mortgaging it was to be adopted. It seemed to him that there were various purposes for which the Church Fund might be more usefully applied than this. This money might be expended in various ways for the benefit of Ireland. When the Relief of Distress (Ireland) Act was before the House, he moved that the money for the purpose should be taken from the Public Treasury, and not from the Irish Church Surplus. The Government of the day was then against them, and the Government was also against them on the present occasion. He did not think that the Church Fund should bear the loss of the interest, and he would put it to the Government whether it would not allow the loss to be borne by the Treasury? It would be a heavy burden upon the Church Fund, while it would be a light matter upon the Treasury. It would also be well to say to the people of Ireland, that the Imperial

it was absolutely impossible that the further sum now asked for could in the meantime have been sanctioned conditionally. He confessed he could not understand upon what ground they were now told, in the course of this discussion, that the Government was morally bound to increase the amount. Originally, the Notice issued by the Government to the landlords distinctly stated that the amount of loan would be limited to £250,000, and that amount was subsequently increased to £750,000. But up to the 10th of April, the amount of loan sanctioned was only £354,520. He could see no excuse for the present Government asking that these loans might be sanctioned. The amount sanctioned by the Act of the last Session was only £750,000, and he could see no reason that they were morally or legally bound, or in any sense bound, to increase that amount. He wished now to make an explanation upon another point. The Government had given them the difference of this money, £200,000, and had taken power, by accepting the Amendment which he introduced later on, to apply a certain sum for the purpose of out-door relief. He thought it was only fair to them to pay interest and principal for such useful purposes out of the Church Surplus Fund. So far as the money at present advanced was concerned, not more than £60,000 had reached the hands of the distressed people, and he could not, therefore, regard the Act as one for the purpose of relieving Irish distress; but by the acceptance of his Amendment the Government had changed the situation, and he should be willing to accept such sums as the Government might advance to the Poor Law Board from the operation of the Amendment proposed by his hon. Friend (Mr. Synan). He was sure that his hon. Friend would be willing to agree to that Amendment. He wished to point out to the noble Lord the Secretary to the Treasury that the Government were dealing in a most shabby way with Ireland with respect to this distress. Up to the present time the Government had not given a single penny from the Imperial Exchequer for the relief of distress in Ireland. The Government of the Dominion of Canada had given £20,000, and the late Chief Secretary for Ireland (Mr. J. Lowther) was not ashamed to accept that amount

and apply it to the relief of distress, although he refused to recommend his own Government to apply a single penny for the same purpose. The Legislature of Canada, one of the States of the American Union, and charitable persons throughout the entire world had subscribed sums for the relief of Irish distress amounting to £300,000, while the rich Government of England had refused to put its hands into its pockets for one single sixpence for the same purpose. He could not but think that the continual perseverance of the Government in that niggardly policy was a discredit to the Government of the country, and he trusted that his hon. Friend would press his Amendment to a division.

MR. BRADLAUGH said, he rose for the purpose of making an appeal to the noble Lord on the Treasury Bench (Lord Frederick Cavendish) in support of the Amendment of the hon. Member for Limerick (Mr. Synan), upon the following grounds. It was obvious that the present measure was either one of generosity, or one of pure business. He had understood during the discussion, to which he had listened with great attention, that it was the wish of the Government to behave in the most generous spirit possible in the case of the distress of the Irish people, and, in fact, the Bill said as much as that. Now, he thought it was most unfortunate for the notion to get abroad, as being the true one, that the Government and the people of England and Scotland intended only to be generous so far as it involved them in no cost. He thoroughly admitted the whole of what had been urged by the noble Lord on the Treasury Bench, that a loss must result from the acceptance of the Amendment of the hon. Member for Limerick; but he (Mr. Bradlaugh) begged to submit that that was no sort of objection to a measure of generosity, and he appealed to the Government not to be generous with half a hand. The giving £200,000 for out-door relief took the matter entirely out of any range of discussion that might be bounded by the hard-and-fast rules of political economy. On behalf of an English constituency, which consisted of a very large number of English working men, he thought he should be only doing his duty in asking the Government to allow some loss to fall upon them, rather than that measure of generosity should be misunderstood.

Mr. Parnell

It was possible that the day might come when England or Scotland might have to ask the same favour that Ireland now asked of us. If that unfortunate occasion should ever arise, and either of those countries should be so reduced as for deaths to result from famine, and appeals were made to Ireland, he had no doubt that she, in her turn, would be as generous to the people of Scotland or of England as she now asked the Government in this crisis to be to her.

MR. GIBSON said, he thought the hon. Members for County Wicklow (Mr. M'Coan) and for the City of Cork (Mr. Parnell) seemed to be labouring under some slight misapprehension with regard to the sum now sought by the Government to be added to that which had been already voted. The hon. Member for County Wicklow had stated that the late Government were not justified in exceeding £750,000, and that the present Government were not justified, also, in making grants in excess of that amount. He (Mr. Gibson) wished to say a few words with regard to the actual position of affairs in relation to that matter. Under the 9th section of the *Relief of Distress (Ireland) Act*, passed under the auspices of the late Government, for which they were responsible, and which he might remind the Committee was passed unanimously without a division, the following was the state of the law. Having re-stated fully and without the slightest reserve the contents of the two Circulars of November, 1879, and January, 1880, it proceeded to deal with the instructions laid down in them, by which the Government were enabled, up to the 29th of February, 1880, to allow applications to be made for loans, both by landowners and the sanitary authorities in Ireland. Those applications were allowed to be entertained on the following conditions:—No interest should be charged for the first two years, and the interest thereafter, for the remaining 35 years, was to be at the rate of 1 per cent. The second Circular had words referring to loans not exceeding £150,000, and he supposed that was what the hon. Member for the City of Cork drew attention to; but that was not a condition. That was, briefly, the state of things under the two Circulars and the 9th section of the *Act* of last Session. All loans made by the Board of Works

in compliance with those Circulars might also thereafter be made, inasmuch as all things done, or to be done, until the 29th of February, 1880, should be valid and effectual, in accordance with the terms and conditions he had read. Furthermore, the applications which had been received in accordance with those terms and conditions they were bound to entertain, inasmuch as the Bill authorizing the grants to be made had not only been accepted by the late Parliament, but adopted without a division, and had since become the law of the land in the same way as if it had been incorporated in the *Land Improvement Act*. That was, generally stated, the position of the present Government and Parliament in regard to that matter, and the late Government had never shown any desire to flinch from the responsibility which fell upon them in regard to it. When the present Government came into Office they had found that the sum offered under the Circulars had failed to a certain extent on account of not being sufficient, and they therefore, no doubt, decided to introduce a Bill for another sum of £750,000 to be devoted to the same purpose. Originally, it was thought that a much less sum than that first mentioned would be sufficient. First, £200,000 was agreed upon as being enough; it then reached £500,000, and before the Bill left the House it had reached £750,000. The sum required had grown, and, no doubt, grown legitimately, from that first stated to be required to that proposed to be ratified by the second *Act* of Parliament. For his part, he failed to see how the terms of the 9th section of the recent *Act* could be reasonably cut down or qualified, and by that section the limit had not been fixed at £750,000. That sum, if considered sufficient by the present Government, would, no doubt, have been adhered to; but it had proved inadequate for the purpose. That being so, the present Government were merely carrying out the obligations cast upon them by the action of their Predecessors and the late Parliament, and he, therefore, thought that discretion ought to be allowed them, as they were in possession of the facts, to say what they considered was a sufficient sum by which to augment that which had been voted by the recent Bill.

MR. PARNELL said, he had never hinted that the Government had no power to make these loans; but he contended that there was no boon in making them. He quite agreed with what had fallen from the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson). It was quite true that under the 9th section of the late Act the Commissioners had the power to make advances to the extent of £750,000, instead of £250,000, the sum promised in the Circulars of the Treasury. But his contention was that it was not a boon to issue grants to landowners, other than those granted or sanctioned by the Board of Works up to the 19th April, 1880. According to the Return moved for by the late Chancellor of the Exchequer the Member for North Devon (Sir Stafford Northcote), the amount of loans sanctioned to landowners in Ireland was £354,520. He (Mr. Parnell) contended that it was that sanction that was referred to in the portion of the 9th section quoted by the right hon. and learned Gentleman the Member for the University of Dublin, when he intimated that all contracts, express or implied, which had been fully entered into between the Commissioners and any person, or the sanitary authority, respecting any such loans, should be valid and effectual. He would admit that if the Board of Works had entered into contracts up to the time when the late Government left Office to the extent of £1,250,000, the landowners would be, undoubtedly, legally entitled thereto; but, according to the Return of the Board of Works, they had only entered into such contracts to the extent of £354,520; therefore, the present Government could not shield itself if any excess beyond that sum was entered into. He wanted to know what the present Government did under these circumstances? There had been no Return on the subject and no information, although inquiry had been made, and the matter had been frequently alluded to in the discussion on that Bill. There had, he repeated, been no information whatever as to the amount of loans sanctioned by the present Government to landowners. When they came into Office, they had information in their possession to the effect that £354,520 had been sanctioned; but that was not £250,000. He should like to know how

much had been sanctioned by the present Government, and the reasons why they sanctioned any additional sum to that they were entitled to do. The Government had often expressed their disapproval of those large grants, and they had thrown the blame of making such grants of public money, for purposes entirely useless, he must say, on their Predecessors. But the late Government, he contended, was only responsible for the sum of £354,520, sanctioned up to the date when they left Office. They must necessarily exonerate them from any further responsibility, and such responsibility must undoubtedly fall on the present Government.

MR. W. E. FORSTER said, that, without question, the statement as to the amount sanctioned by the late Government was entirely a mistake. More than £1,000,000 was sanctioned. [Mr. PARNELL said, the Return did not say so.] Perhaps, technically, it did not; but it must be understood that the loans were applied for upon terms which relieved the Government of all responsibility whatever as regarded their sanction. With reference to what had been done since, the Government considered they were only carrying out the actual undertaking made by the late Government, in sanctioning loans to landowners that had been applied for, on the condition of producing the requisite security. The Government had, clearly, no option in the matter. The hon. Member (Mr. Parnell) had asked for a statement of the amount advanced. He (Mr. W. E. Forster) was informed that more than £1,000,000 had been agreed to be advanced, of which a certain amount, in instalments, had already been paid. The hon. Gentleman was, he thought, not correctly giving the remarks which he (Mr. W. E. Forster) had made on a previous discussion. He had not stated that they considered those loans useless, for he never thought for one moment that they would be so.

MR. PARNELL said, what he had meant was that the present Government disapproved of the low rate of interest on the loans to landowners, and had expressed a belief that they were useless for the purpose of relieving the present distress.

MR. W. E. FORSTER said, that he had stated that it was the lowest rate of interest he had ever heard of for such a

loan. He did not say that he disapproved of it, for he was not sure that employment could be profitably given at a higher rate of interest. He did not recollect having given any definite opinion upon the subject, for he had been aware of the difficulties with which the late Government had to contend. What he chiefly regretted was that there were not more exact conditions with regard to the time in which the money was to be spent, and also as to the mode of employment. But their position was this—they, practically, found that the whole of the applications made before the 29th of February were to be considered as contracts which remained to be completed, provided the conditions were fulfilled and the requisite guarantees produced. In the same way he should have acted in his own business, if he had found a list of applications made to the persons into whose shoes, as it were, he had stepped. Considering that the Government had entered into certain transactions with individuals upon certain terms and conditions, he did not think that those loans could be in any way repudiated or substantially modified. The word "sanction" had a different meaning, as regarded the baronial presentments and the sanitary authorities, because then the loans were more immediately under the eye of the Government. The purpose for which the money was to be used was, in those cases, well ascertained.

SIR STAFFORD NORTHCOTE said, he thought it was desirable that he should endeavour, as far as he could, to clear up the position in which the late Government understood that they had left that matter. For that purpose he had particulars before him; but it was not a matter of great consequence what were the particular figures. He could state, generally, what was the principle upon which they proceeded, and what they considered to be the position in which they had left the matter. In the beginning they made an offer, thinking it desirable that landowners should be encouraged to take up money for the purpose of executing works which would furnish employment in the distressed districts; but those offers had failed to produce any large number of applications. Finding that to be so, and being anxious to pursue that line of conduct—he would not argue whether rightly or

wrongly, considering that that line of policy had been proceeded with—they amended their offer, and accordingly offered lower terms of interest and greater inducements to landowners to come forward and make claims, and they stated that the applications were to be received before a certain day—namely, the 29th of February—and, in that case, they would be carefully considered. Of course, those applications had to be examined into. At the same time, they stated that they had estimated what they thought likely to be demanded upon those terms. Well, certainly, they considerably under-estimated the amount. In the first instance they estimated that, probably, £250,000 would be required. Very soon, however, they found that more than that would be required, and they accordingly raised it to £500,000; but, as matters proceeded and applications came in, they found that a still larger sum would be required. When they reached the end of February, the late Government found themselves in this position. Applications had been made very much beyond the amount contemplated, even on the highest estimate, and it became necessary to consider whether they should arbitrarily put a stop to those applications, or whether they should be all considered, and then, if necessary, application should be made to Parliament for further funds. Again, they had been obliged to consider whether it would have been right to proclaim suddenly, in the state in which the country was placed, and in the uncertainty which prevailed, after announcing that applications might be sent in up to the end of February, that they had drawn a line, and that no more applications would be considered; or, again, whether in the case of an application for, say, £1,000, they should grant only a portion of it, which might have the effect of spoiling the work intended to be done. When the late Government considered these difficulties, they came to the conclusion that their proper course, having regard to the distress existing in the country, was not to stop any of the applications, but to take upon themselves to accept them for examination and to consider the propriety of afterwards asking Parliament for such money as the increased number which might be agreed to might render necessary. They knew that when the appli-

cations came in they would be very carefully sifted, and they had calculated that, perhaps, a large number of them would be rejected from their not meeting the proper conditions upon which the grants were to be made. It was not known, therefore, how much of this sum—upwards of £1,000,000—which had been asked for, would upon examination turn out to be really required. Up to the time the Return was made, no doubt, not more than £300,000 or £400,000 had been passed and authorized; but they had so far undertaken to deal with the other applications that they had rendered themselves liable, in honour and good faith, to provide means for advancing as much of the whole of the £1,200,000 applied for as might meet the conditions laid down. He presumed that the examination since made had shown, to a large extent, that the applications were sound and proper, and that it was on that ground the present Government now came forward to make this proposal. It was, of course, open to the Government to say—"We will provide the money by some other machinery;" but he considered the action taken by the late Government and approved by the late Parliament bound the present Government and Parliament, in good faith, to provide in some way or other for the amount now asked for.

LORD RANDOLPH CHURCHILL said, there was an obvious inconsistency in the position taken up by the late Government with reference to the Amendment. The Government had said that the distress was so intense that they found it absolutely necessary to bring in a Bill to increase the original sum obtained from Parliament by another like sum of £750,000. They went further, and, accepting the Amendment of the hon. Member for Cork City (Mr. Parnell), granted £200,000 in aid of outdoor relief; and, going farther still, they took a portion of the Bill of the hon. Member for Mayo (Mr. O'Connor Power), and said the distress was so intense that tenants must be protected from the consequences of the non-payment of rent which they were not able to pay. If the statement was correct, that the distress was so severe as to warrant those various measures, then he maintained that a case had been made out for aid from the Imperial Treasury. He was inclined to support the Amendment of the

hon. Member for Limerick (Mr. Synan) upon the ground that, if it was not accepted, the Church Commissioners might be left in an insolvent condition. He found that they had an available income of about £800,000. On the other hand, they had to pay the National Debt Commissioners £600,000 a-year capital and interest on account of the original advances for commutations. They had also had cast upon them the interest of £1,000,000 for intermediate education, of £1,300,000 for pensions of school teachers, and since that time £1,500,000 had to be borrowed on the security of their income for the relief of Irish distress. Such being the case, he wished to ask the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) what would be the exact balance, at the present moment, after providing for these demands, in the hands of the Commissioners of the Irish Church Temporalities? Could the noble Lord say that, after the provision for meeting distress in Ireland, the Commissioners had an available balance sufficient to bear the loss inflicted on them by having to meet the difference between $3\frac{1}{2}$ per cent and the 1 per cent? On the ground of finance as well as of policy, he was, therefore, strongly tempted to support the Amendment of the hon. Member for Limerick.

LORD FREDERICK CAVENDISH said, the question of security had received the most careful consideration of the Government in consultation with the National Debt Commissioners, who were fully satisfied that the security was sufficient. Again, with regard to the interest, the right hon. Gentleman the Chancellor of the Exchequer had had this question under consideration, in connection with the Savings Banks Bill, and had come to the conclusion that $3\frac{1}{2}$ per cent, instead of $3\frac{3}{4}$ per cent, would be sufficient interest for the advance, and that the security given by the Church Commissioners was substantial. With respect to the appeal to the generosity of England put forward by the hon. Member for Northampton (Mr. Bradlaugh), the Committee ought not to consider the question as one simply affecting Ireland, but should consider it with reference to the course adopted by that House when the Cotton Famine occurred in Lancashire. If ever there was a case of great distress in England it was that

Sir Stafford Northcote

of the Cotton Famine; but still it was felt at that time that it was not wise to come upon the Imperial Exchequer, and practically interfere with the operation of the Poor Law. Once lay down the principle that, in times of distress you are to come upon the general taxpayers, and you will do far more mischief by your supposed generosity than you would do good. He wished the Committee to understand that, in rejecting the appeal for a grant from the National Exchequer, the Government were not animated by any feeling applying specially to Ireland, but were merely pursuing a policy which had been followed for the last 40 years in all cases of distress. He believed that to reverse that policy would be fatal in dealing with the distress existing in Ireland, which, after all, was not of an exceptional character, and was due simply to the fact that there had been three or four bad harvests.

MR. O'CONNOR POWER said, he would like to explain to some English Members who might not be aware of it, the exact demand which Irish Members were making upon the Government, and upon which they would probably have to elicit the opinion of the Committee by a division. The money lent under the Relief of Distress (Ireland) Bill was provided, first, by the Commissioners for the Reduction of the National Debt. And while the Church Temporalities Commissioners were authorized to lend money at 1 per cent, they had to pay 3½ per cent to the National Debt Commissioners. He called the attention of the Committee to this statement, because he had just been asked by an hon. Member in the Lobby to give him some idea of the matter under discussion. He was glad that the noble Lord the Member for Woodstock (Lord Randolph Churchill) had given them his support on that occasion, and he thought the arguments brought forward by him were very strong. They had heard a fair statement from the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish); but it was not a conclusive statement, although, from the stand-point of one determinedly opposed to the principles of Irish Members, it was not unfair as an argument. With reference to the Cotton Famine, that was, no doubt, a great national emergency; but it had occurred in the centre of masses of wealth acquired in the cotton industry,

and if the operatives were thrown out of employment, they might fairly be left to the charge of their fellow-countrymen whose great wealth they had contributed so much to amass. He thought the Secretary to the Treasury had not conclusively shown the evil consequences which would flow from meeting a national calamity with contributions from the National Exchequer. The noble Lord had simply laid it down as an axiomatic principle; but which he (Mr. O'Connor Power), so far from regarding it as self-evident, believed to be absolutely false. He had hoped the noble Lord would be prepared to prove his theory, and show exactly how the Poor Law would be superseded. But the argument of the noble Lord was absurd, especially in the case of Ireland, where the life and death of millions was concerned. During the whole time that Ireland had had the misfortune to be governed by an alien Parliament the doctrines not only of political economy, but of constitutional liberty, had been set aside, and appeals had been afterwards made to protect life and property in Ireland by the suspension of personal rights. What greater emergency could arise than the state of national starvation which was now bringing the people of Ireland to the verge of the grave by the sure and speedy agency of famine and fever? He submitted that this was a case of great national emergency, and that the Government should accept the Amendment of his hon. Friend (Mr. Synan).

MR. M'LAREN said, the Amendment of the hon. Member for Limerick (Mr. Synan) meant, in other words, that the Treasury should lend money to the landlords and other parties in Ireland at the rate of 1 per cent. If the people of Ireland, through their Representatives in that House, desired to lend out their Fund at that rate of interest for 25 years, he had not a word to say against it; but he did not think that the Imperial Funds should be advanced on the same improvident footing, and he should certainly vote against any such proposal. It came to this—after paying 3½ per cent for 35 years, the landlords would practically receive a present of the principal. If the Irish people liked to squander their money in that way, let them have the responsibility of doing so; but he was dead against asking the Treasury to lend under such an improvident system.

MR. GORST said, he agreed with the hon. Member for Edinburgh (Mr. M'Laren) that the proposal of the hon. Member for Limerick (Mr. Synan) was extraordinary; but the question was, whether they were not extraordinary circumstances that the proposal was intended to meet? In judging of Irish affairs, he thought many hon. Members were much more inclined to judge by what the Government did than by what they said, because, as far as his experience in that House had gone, he believed Governments said almost anything; but when it came to action, and they had to put their views into force by the introduction of Bills, they were tolerably sincere. The Government had proposed extraordinary measures, which they only attempted to justify on the ground of the extraordinary character of the Irish distress. Therefore, it seemed to him that, under circumstances which the Government deemed to be extraordinary, it was not unreasonable for Members of the Committee to propose a grant out of the Treasury. It was clearly a grant in aid of Irish distress which was proposed by the Amendment, and therefore he felt inclined to support it on the ground that extraordinary circumstances must be met by extraordinary measures. He wished to say a word upon another matter that had occurred to him. Were the Irish Church Temporalities Commissioners financially capable of bearing the drain put upon them? And here he agreed with the hon. Member for Edinburgh (Mr. M'Laren), who had pointed out that they were really being asked to embark in a procedure which must drain and impoverish their resources. The hon. Member had asked whether that was the way in which Irish Members wished their funds to be squandered? But it was not the Irish Members, it was the Government, who were proposing to squander those funds in that particular manner; and before they did so the Committee, in his opinion, should have before them the facts necessary to enable them to judge whether, financially, the funds at the disposal of the Commissioners of the Irish Church Temporalities could bear the strain. The noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) had said that the Government had satisfied themselves that the security offered by the Commissioners

was sufficient. No doubt, that was so but he (Mr. Gorst) thought the Committee also would like to see that the security was satisfactory. They were not yet prepared to hand over all the finance of the country to Her Majesty's Government; and he hoped before the third reading of the Bill, before the matter was finally disposed of by the House, that some further information would be given than the extremely meagre information which the noble Lord had given in answer to his noble Friend (Lord Randolph Churchill). It was quite clear that the Fund of the Irish Church Temporalities Commissioners was nearly at an end, and if the Fund could bear the burden which the Government were now about to put upon it, it would very likely prove to be the straw that would break the camel's back; and though they were close to the very last of the Fund which Parliament had at its disposal, no facts or figures had been laid before the Committee which would enable them to judge whether they were doing right or wrong. He had already suggested that the House should be furnished with an intelligible account of the Fund of the Church Temporalities Commission, in which the assets and liabilities might be clearly shown, in order that they might be able to see whether that Fund would bear the drain that was now put upon it, and in case it would not, that they might have an opportunity of providing the requisite expenditure from other sources. He did not think that his request was an unreasonable one, and he therefore trusted that some sufficient information might be furnished.

MR. RYLANDS said, that the hon. and learned Gentleman who had just sat down (Mr. Gorst) had charged the Government with squandering the Church Fund. That responsibility, he begged to say, rested with hon. Gentlemen opposite. If the hon. and learned Member was anxious to look to some one who was responsible for that business, he should refer him to his own Leader; it was he that was responsible for a transaction which, in his (Mr. Rylands') judgment, was one of the most objectionable proceedings any Government, in his recollection, had ever done. The action of the late Government having ceased, it fell upon the right hon. Gentleman the Chief Secretary for Ireland

(Mr. W. E. Forster) to carry out the scheme, and that was rendered necessary on account of the official position to which he had succeeded. That right hon. Gentleman had just before pointed out very clearly that the transaction had been a bad business transaction, and that, if he had had the initiation of it, a better arrangement would have been made. What was the fact? The right hon. Gentleman the late Chancellor of the Exchequer (Sir Stafford Northcote) had told them in a few words, what they already knew, that the late Government wanted landowners in Ireland to join them in the operations for the relief of distress, and they accordingly suggested that money should be advanced to them for that purpose upon moderate terms. The landowners stood aside, they held back, because they wanted to get greater advantages, and would not apply for loans until they were offered at terms that made them almost gifts. He objected to that transaction, whether or not the Church Fund could bear it; but they were unable now to alter it. He protested, altogether, as a British taxpayer, against that boon to Irish landlords, or rather that gift, being taken out of the pockets of the English taxpayers. He trusted that the proposition then before the Committee would not be entertained for a moment, and he, for one, regretted that they had been called upon to increase the amount voted to a scheme which, in his judgment, was open to so many serious objections.

MR. T. P. O'CONNOR said, that, as an Irish Member, he could look with impartiality on the discords between English Members in regard to the gift to the Irish landlords. In their position as Irish Members, they were not responsible for that transaction, for the English Members had settled the matter between them. He accepted the proposition which had been laid down by the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) and the hon. Member for Edinburgh (Mr. M'Laren); but he arrived at a different conclusion. He agreed with the remarks of the noble Lord as to the inadvisability of giving money from the National Exchequer in aid of the rates; but he would point out to the noble Lord that the question they were then discussing was not whether the money should be paid, but the particular manner in which it ought to be

given. With regard to the remarks of the hon. Member for Edinburgh, he (Mr. T. P. O'Connor) fully agreed with him, that to pay money out of the Irish Church Fund was an extravagant and ridiculous proceeding; but he must impress upon the Committee that no responsibility rested with the Irish Members in regard to that matter. That rested with the Imperial Government, whether Conservative or Liberal. The opinion of the Irish Members had been expressed over and over again, that the moneys of the Irish Church Fund ought not to be spent in bolstering up the credit of the Irish landowners. He wished to point out to the hon. Member for Edinburgh that the expenditure they were discussing was a gift of money made by the Imperial Government, in spite of the protest of Irish Members. That was why they contended that the loss of interest ought to be borne by the Imperial Exchequer.

LORD FREDERICK CAVENDISH said, that the hon. Member who had just spoken (Mr. T. P. O'Connor) had told them that Irish Members were not responsible for that proposal of loans to landlords. He (Lord Frederick Cavendish) must say he could not quite agree with him. He remembered what took place in that House when the proposal was made, and he believed, unless his memory deceived him, that that proposition was received and passed without a single dissentient voice. ["No, no!"] The hon. Member said, "No, no!" The reports would, no doubt, show whether he (Lord Frederick Cavendish) was right or no. But it was not merely that; but, if he was not mistaken, in the late Parliament the Leader of the Irish Home Rule Party, the hon. Member for County Cork (Mr. Shaw), in discussing the question, stated that—"The Government on the 1st of January, finding those advances under the terms of the November Circular were not taken up, issued another Circular in which more substantial advantages were offered; 1 per cent interest was then offered, and he ventured to say that if that had been done in the first instance, there would have been an amount of employment throughout Ireland almost sufficient to meet the entire case." Taking that to be the representation of the feeling of Irish Members upon that matter, he thought he might say that there was really no question in the

former discussion as to whether the money should come from the Exchequer or the Irish Church Fund. He believed it had been admitted that to relieve the distress from that Fund was a good means to employ to meet the difficulty. He therefore thought that the Members of the Third Party were responsible for what was done. With regard to what had fallen from the hon. Member for Burnley (Mr. Rylands), he must say he welcomed those remarks. The Treasury had been assailed from day to day, and subjected to abuse, with regard to those loans, and he was therefore glad to hear him say that they were only carrying out the engagements entered into by their Predecessors. For his own part, he did not believe that the Treasury was at fault in regard to that matter.

MR. JUSTIN M'CARTHY said, he was one of the Members who had taken part in the debates on that subject in the late Parliament; and he certainly must say that, in his opinion, the memory of the noble Lord (Lord Frederick Cavendish) was somewhat short in regard to it. He (Mr. Justin M'Carthy) remembered many Irish Members speaking in those debates, and all of them, he believed, protested as strongly as they could against squandering away the Church Surplus Fund in grants to Irish landlords. The fact was, the Irish Members were naturally most anxious to obtain money for the relief of the growing distress, and they said that the late Government had resolved to throw the burden upon the Church Fund, and they could not take on themselves the responsibility of standing between the Government and the relief of the distress in the country. All that could be done by private charity was being done, and they knew that those funds would probably soon come to an end. The hat had been carried round, so to speak, all over the world. His hon. Friend the Member for the City of Cork (Mr. Parnell) had taken scrip and staff and gone to America, in order to raise money there for the same purpose. But all those sources must soon dry up, and they therefore came to ask for further assistance, and they were now treated to a dissertation on the rules of political economy, by which it appeared that Irish distress might properly be relieved out of any Treasury except that of England. They had obtained assistance

from the Government of the Dominion of Canada and from other Governments, and they had heard no objection raised on the score of political economy; but political economy was instantly appealed to as a reason why no grant should be made out of our own Imperial Exchequer. Under the condition of things he had described the Irish Members had been driven to accept the Government proposal; but they had condemned it over and over again, and had expressed their strong conviction that the Church Surplus Fund ought not to be squandered away for such a purpose. He could not admit that a gift to Irish landlords, out of that Fund, was intended for the benefit of the Irish people. It was strictly and properly what the hon. Member for Burnley (Mr. Rylands) had called it—a gift, because, after a certain time, both the principal and interest would be paid off in the easiest way, the landlord would have the full advantage, and the Irish people, to whom, strictly, the money belonged, would receive no permanent benefit from it whatever. Considering the extreme distress that existed—which the noble Lord the Secretary to the Treasury had admitted—he thought it was not a time when the rules of political economy were to be strictly adhered to. When extreme distress, national distress, was shown to exist in one part of the Empire, it was only just that the Imperial Exchequer should assist in relieving that distress.

MR. SYNAN said, he thought it was due on behalf of the Irish Members to defend them against the accusation which had been made against them with regard to the action of the late Government, in lending money to Irish landlords at the expense of the Church Surplus Fund for 1 per cent. The Irish Members had resisted that proposal on the second reading of the Bill, they had resisted it on going into Committee and divided upon it, and 40 Irish Members voted against it, the whole of the rest of the House being opposed to them. If the Government wanted to give money at 1 per cent, why should they give it at the expense of the Church Surplus Fund? Was it not the duty of the Government to tell Irish landlords that the money was to be had at 3½ per cent out of the Public Treasury? He thought it was unjust, when they had been forced and beaten down in their divisions, and when

Lord Frederick Cavendish

they had protested against the proposal in the Bill, to be accused of having been parties to the lending of the money out of that Fund. They never had been parties to that. He should like to refer to the real question before the Committee. The hon. Member for Edinburgh (Mr. M'Laren), with his usual ability when he came to figures, had exaggerated to an enormous extent when he talked of £750,000 as being asked for by his Amendment. In fact, the sum would be only about £14,000 a-year for the period during which the money was lent at 1 per cent out of the Treasury. What Irish Members wanted was that the Treasury should bear the expense of the difference between 1 and 3½ per cent, which would amount to the enormous sum of £14,000! That £750,000 was to come out of the Treasury was altogether an exaggeration; they only wanted £14,000, and he thought that was sufficiently reasonable to be accepted by the Committee.

MR. ILLINGWORTH said, that the hon. Member for Limerick (Mr. Synan) was right as to the amount he proposed to charge upon the National Debt Commissioners. Deducting the £200,000 referred to he had made a calculation, and the loss between 3½ and 1 per cent would amount to £13,750 a-year. He submitted to the Irish Members that that being so, the sum was a small one, and that the charge would be light, wherever it might fall. He was bound to say that he was surprised at the remarks that had fallen from the hon. and learned Member for Chatham (Mr. Gorst). In reality, the clause with which they were dealing was an inevitable extension of the powers of the Irish Relief Act of 1880. That Act, which was carried by the late Government, lent a sum of £750,000 to Irish landlords out of the funds of the Irish Church Commissioners. Not only was it an act of the late Government; but it had been admitted by the right hon. Gentleman the ex-Chancellor of the Exchequer that morning, that it was a measure of the late Government, and that they were undoubtedly responsible for it in the first instance. He (Mr. Illingworth) could not see, therefore, how the present Government were in any way responsible for it. An appeal had been made on the score of generosity. His opinion was that the original grant was

a great mistake, and nothing could be more unfortunate than making the Irish landlords the medium for relieving distress. If there was genuine Irish distress, the money should have been given through the Guardians, as it would be in this country. In fact, the whole affair was a huge job. He exceedingly regretted that the hon. Member for Cork City (Mr. Parnell) had not raised a further objection when it was proposed to double the sum to be given to the Irish landlords in order to relieve the distress. He thought it was agreed on both sides that the money granted in the first instance was not effectual for the purpose. If the scheme failed, then he, for one, should deplore ever having consented to make a loan of public money, or that such funds should have been allowed to be tampered with by Irish landlords under such conditions. If they required money, they should have gone into the market for it. But the House was in this position—they had been asked by the Government to supplement the original loan. He appealed, therefore, to Irish Members, that if they had a grievance with regard to that matter, it was scarcely worth while to detain the Committee upon the clause. If it was a question of generosity, the money ought, perhaps, to come out of the Public Funds; but, at any rate, the matter was one that ought to be treated on its own merits rather than on technical grounds. For his own part, he was not sorry that the Irish Church Surplus Fund was coming to a close, as it was, no doubt, the cause of a deal of jobbery; but, he must say, that if they in England had a corresponding fund of that character, it would be grossly unjust to come on the Irish taxpayers to relieve the English. If the English Church were disestablished and a huge fund were available for other purposes, the hon. Gentleman would be entitled to say that that fund ought to be exhausted before the English came upon the taxpayers of Ireland. He could not agree with the hon. Member for Northampton (Mr. Bradlaugh) as to the willingness of the working classes to pay towards such an object as the distress, when there was a large fund already available. Besides, he thought it would hardly be fair to call upon them to do so, inasmuch as it was a well-known fact that the Imperial Funds were more largely contributed

to by the humbler classes than by the owners of property. He hoped that the Committee would be allowed to proceed with the measure before it.

SIR STAFFORD NORTHCOTE said, he agreed with the hon. Gentleman who had just sat down (Mr. Illingworth), that they were not making great progress, and that the amount at stake was so small as scarcely to seem worthy of the amount of time that had been spent in discussing a question of such an amount as £15,000. He frankly admitted that there was a good deal more at stake than the question of that amount. It appeared to him that important principles were at stake; and while he did not complain of the hon. Member for Limerick (Mr. Synan) raising the question on the grounds he had stated, he had felt it was impossible that he could sit still and hear such statements as had been made, and such arguments as they had lately listened to, without protesting against the misrepresentations in which hon. Members had indulged as to the action of the late Government and the late Parliament in that matter, and putting on record a strong protest against the proposal now before the Committee. It seemed to him that they had been rather gratuitously going back upon the discussions which had taken place in the late Parliament, and on the principles embodied in the Act then passed. It was all the more gratuitous to do so, because, at an earlier stage of that very Bill, the same question had been raised, and remarks of the same character as those to which they had just been listening were discussed, and the House came to the conclusion that it was, at all events, desirable to proceed with the measure without renewing those attacks upon the two classes who seemed to be the favourite objects of attack—he meant the late Government and the Irish landlords. He could quite understand that it might be agreeable to certain persons to represent the matter so as to make out that those loan transactions were arranged by the late Government particularly for the benefit, not of the Irish people, but of a particular class, and that an unpopular class—namely, the Irish landlords. He did not think it necessary, then, to enter into the question as to the mode in which the Irish landlords were being treated; but he protested against the manner in

which a measure of last Session was being treated, and that it was grossly unfair, and an entire misrepresentation of the facts of the case, to represent the legislation of last Session as only in favour of landlords. The facts of the case were that the distress had to be dealt with, and that that distress was undoubtedly imminent upon the people of Ireland. At the same time, it was most objectionable, as being contrary to the rules for the general administration of the Poor Law and the rules of political economy, to come forward with grants from the Public Exchequer. He did not believe it would have been possible, even at the worst period of the Irish distress, to have come forward and proposed grants in aid of the poor rates out of the Imperial Exchequer, without raising questions in other parts of the United Kingdom which it would have been seriously difficult to meet. What they found was this—that if they attempted to deal with the matter in that way they would not only be raising awkward questions, but they would also be in danger of demoralizing the people of Ireland themselves, and pauperizing them in a way that was not necessary. It had been urged by many of the best Representatives of the true interests of Ireland that they should—[Mr. BIGGAR: Hear, hear!]
—he did not refer to the hon. Member for Cavan, but to other Representatives—it had been urged that they should take such steps as would secure the people from the demoralizing effect of mere charity borrowed out of the Public Exchequer, and enable them, if possible, to earn themselves the means for subsistence. How was that to be done? They were told that it was wrong to lend money to landlords; but what was the alternative? They had offered sums to the sanitary authorities; but as to doing public works, he had more than once endeavoured to impress upon that House, by the light of the lessons they had received in the Irish Famine of 1847, that in adopting such a course there would have been great danger of doing serious evil. He was sorry to detain the Committee; but he had felt it his duty to place the matter clearly before them. It would have been a bad thing for Ireland if they had taken to the system of public works while a better system was open to them. They found the offer they first made to landlords not

Mr. Illingworth

of the Cotton Famine; but still it was felt at that time that it was not wise to come upon the Imperial Exchequer, and practically interfere with the operation of the Poor Law. Once lay down the principle that, in times of distress you are to come upon the general taxpayers, and you will do far more mischief by your supposed generosity than you would do good. He wished the Committee to understand that, in rejecting the appeal for a grant from the National Exchequer, the Government were not animated by any feeling applying specially to Ireland, but were merely pursuing a policy which had been followed for the last 40 years in all cases of distress. He believed that to reverse that policy would be fatal in dealing with the distress existing in Ireland, which, after all, was not of an exceptional character, and was due simply to the fact that there had been three or four bad harvests.

MR. O'CONNOR POWER said, he would like to explain to some English Members who might not be aware of it, the exact demand which Irish Members were making upon the Government, and upon which they would probably have to elicit the opinion of the Committee by a division. The money lent under the Relief of Distress (Ireland) Bill was provided, first, by the Commissioners for the Reduction of the National Debt. And while the Church Temporalities Commissioners were authorized to lend money at 1 per cent, they had to pay 3½ per cent to the National Debt Commissioners. He called the attention of the Committee to this statement, because he had just been asked by an hon. Member in the Lobby to give him some idea of the matter under discussion. He was glad that the noble Lord the Member for Woodstock (Lord Randolph Churchill) had given them his support on that occasion, and he thought the arguments brought forward by him were very strong. They had heard a fair statement from the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish); but it was not a conclusive statement, although, from the stand-point of one determinedly opposed to the principles of Irish Members, it was not unfair as an argument. With reference to the Cotton Famine, that was, no doubt, a great national emergency; but it had occurred in the centre of masses of wealth acquired in the cotton industry,

and if the operatives were thrown out of employment, they might fairly be left to the charge of their fellow-countrymen whose great wealth they had contributed so much to amass. He thought the Secretary to the Treasury had not conclusively shown the evil consequences which would flow from meeting a national calamity with contributions from the National Exchequer. The noble Lord had simply laid it down as an axiomatic principle; but which he (Mr. O'Connor Power), so far from regarding it as self-evident, believed to be absolutely false. He had hoped the noble Lord would be prepared to prove his theory, and show exactly how the Poor Law would be superseded. But the argument of the noble Lord was absurd, especially in the case of Ireland, where the life and death of millions was concerned. During the whole time that Ireland had had the misfortune to be governed by an alien Parliament the doctrines not only of political economy, but of constitutional liberty, had been set aside, and appeals had been afterwards made to protect life and property in Ireland by the suspension of personal rights. What greater emergency could arise than the state of national starvation which was now bringing the people of Ireland to the verge of the grave by the sure and speedy agency of famine and fever? He submitted that this was a case of great national emergency, and that the Government should accept the Amendment of his hon. Friend (Mr. Synan).

MR. M'LAREN said, the Amendment of the hon. Member for Limerick (Mr. Synan) meant, in other words, that the Treasury should lend money to the landlords and other parties in Ireland at the rate of 1 per cent. If the people of Ireland, through their Representatives in that House, desired to lend out their Fund at that rate of interest for 25 years, he had not a word to say against it; but he did not think that the Imperial Funds should be advanced on the same improvident footing, and he should certainly vote against any such proposal. It came to this—after paying 3½ per cent for 35 years, the landlords would practically receive a present of the principal. If the Irish people liked to squander their money in that way, let them have the responsibility of doing so; but he was dead against asking the Treasury to lend under such an improvident system.

could be said that such was the case, and for that reason he urged upon them to go to a division at once.

SIR JOSEPH M'KENNA said, hon. Members and right hon. Gentlemen on both sides of the House were in the habit of holding up their hands and appealing to Heaven whenever they heard of a proposition to vote money for Ireland out of the Imperial Exchequer. But there was a great case against the Imperial Exchequer in favour of Ireland lost sight of as it appeared to him on the present occasion. He held the opinion that the present condition of Ireland was not due so much to landlord exaction—that was to say, to landlordism in its worse phase—as it was to inordinate Imperial exactions from that country. During the last 28 years the Imperial taxes levied in Ireland had been raised from 3s. in the pound to 5s. 3d. in the pound, and that system had been, in his opinion, if not the sole, at any rate the main, cause of the impoverishment of the country. The Imperial taxation of Great Britain amounted to 2s. 6½d. in the pound on the gross income shown in the Schedules for income and property, while the taxation of Ireland upon the whole income returnable was 5s. 3d. in the pound. When Great Britain, through its Representatives, said that a special Irish Fund was to be made the subject of a particular charge arising out of an extraordinary emergency, and that Ireland had no claim whatever upon the Imperial Exchequer, the question presented itself, what were the grounds for Ireland demanding that this extraordinary charge should not come out of their own special Fund, but from the Imperial Exchequer? He said that the present condition of Ireland was an Imperial subject, and that it was mainly due to the system of extortion under which the Irish people had suffered. For those reasons, he, for one, claimed that the £15,000 should come out of the Imperial Exchequer.

MR. M'LAREN said, the hon. Member for Limerick (Mr. Synan) had charged against him grossly exaggerated statements about the amount of interest; but the hon. Member must have forgotten the wording of the clause—

“And the Treasury may, if they think fit, from time to time continue their guarantee to the loan and security varied as aforesaid.”

Mr. W. E. Forster

Then came the Amendment of the hon. Member, providing—

“That the rate of interest to be charged on such loan shall not exceed the rate of one pound per centum per annum.”

He did not refer to the annual total amount of interest at all. There was not one word about paying the principal in either of these clauses. The fact was, as he had stated, that landowners obtained loans on condition that they should pay 3½ per cent for 35 years, and then be discharged of all liability for the principal sum.

MR. DALY said, the distress in Ireland was national in its character and ought to be treated nationally. When he remembered that the Chancellor of the Exchequer, coincidently with removing a tax under which the people of England had groaned for years, had imposed upon his countrymen an additional Income Tax of 1d. in the pound, at a time when they were steeped in poverty, he could not but feel that every Irishman, whether Conservative or Liberal, ought to be a Home Ruler. It was most unfair that the people of Ireland were to have no claim upon the Imperial Exchequer in times of national distress after all the demands made upon them by way of taxation and otherwise.

MR. BYRNE said, he had much pleasure in supporting the Amendment of the hon. Member for Limerick (Mr. Synan). If the Chief Secretary for Ireland wished to save time, he would do well to give way in this small matter in favour of a starving and suffering people. The resistance offered to the Amendment savoured more of the character of a pettifogging lawyer than it did of a Minister of this great country, with so large a majority behind him, and representing an Empire whose ships sailed on every sea and upon whose territory the sun never set. It was unworthy of the Committee to resist so long such a small concession to the just claim of Irish Members with reference to the source from which the fund was to come. He wished to say that there was no Irish Member who had approved of its coming out of the Irish Church Fund. It was “Hobson's choice” with them; they must have it from some source, or the people would starve. The Government appeared to him to look upon Irish questions as if Ireland were not a part of the Empire; but they ought to regard those

(Mr. W. E. Forster) to carry out the scheme, and that was rendered necessary on account of the official position to which he had succeeded. That right hon. Gentleman had just before pointed out very clearly that the transaction had been a bad business transaction, and that, if he had had the initiation of it, a better arrangement would have been made. What was the fact? The right hon. Gentleman the late Chancellor of the Exchequer (Sir Stafford Northcote) had told them in a few words, what they already knew, that the late Government wanted landowners in Ireland to join them in the operations for the relief of distress, and they accordingly suggested that money should be advanced to them for that purpose upon moderate terms. The landowners stood aside, they held back, because they wanted to get greater advantages, and would not apply for loans until they were offered at terms that made them almost gifts. He objected to that transaction, whether or not the Church Fund could bear it; but they were unable now to alter it. He protested, altogether, as a British taxpayer, against that boon to Irish landlords, or rather that gift, being taken out of the pockets of the English taxpayers. He trusted that the proposition then before the Committee would not be entertained for a moment, and he, for one, regretted that they had been called upon to increase the amount voted to a scheme which, in his judgment, was open to so many serious objections.

MR. T. P. O'CONNOR said, that, as an Irish Member, he could look with impartiality on the discords between English Members in regard to the gift to the Irish landlords. In their position as Irish Members, they were not responsible for that transaction, for the English Members had settled the matter between them. He accepted the proposition which had been laid down by the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) and the hon. Member for Edinburgh (Mr. M'Laren); but he arrived at a different conclusion. He agreed with the remarks of the noble Lord as to the inadvisability of giving money from the National Exchequer in aid of the rates; but he would point out to the noble Lord that the question they were then discussing was not whether the money should be paid, but the particular manner in which it ought to be

given. With regard to the remarks of the hon. Member for Edinburgh, he (Mr. T. P. O'Connor) fully agreed with him, that to pay money out of the Irish Church Fund was an extravagant and ridiculous proceeding; but he must impress upon the Committee that no responsibility rested with the Irish Members in regard to that matter. That rested with the Imperial Government, whether Conservative or Liberal. The opinion of the Irish Members had been expressed over and over again, that the moneys of the Irish Church Fund ought not to be spent in bolstering up the credit of the Irish landowners. He wished to point out to the hon. Member for Edinburgh that the expenditure they were discussing was a gift of money made by the Imperial Government, in spite of the protest of Irish Members. That was why they contended that the loss of interest ought to be borne by the Imperial Exchequer.

LORD FREDERICK CAVENDISH said, that the hon. Member who had just spoken (Mr. T. P. O'Connor) had told them that Irish Members were not responsible for that proposal of loans to landlords. He (Lord Frederick Cavendish) must say he could not quite agree with him. He remembered what took place in that House when the proposal was made, and he believed, unless his memory deceived him, that that proposition was received and passed without a single dissentient voice. ["No, no!"] The hon. Member said, "No, no!" The reports would, no doubt, show whether he (Lord Frederick Cavendish) was right or no. But it was not merely that; but, if he was not mistaken, in the late Parliament the Leader of the Irish Home Rule Party, the hon. Member for County Cork (Mr. Shaw), in discussing the question, stated that—"The Government on the 1st of January, finding those advances under the terms of the November Circular were not taken up, issued another Circular in which more substantial advantages were offered; 1 per cent interest was then offered, and he ventured to say that if that had been done in the first instance, there would have been an amount of employment throughout Ireland almost sufficient to meet the entire case." Taking that to be the representation of the feeling of Irish Members upon that matter, he thought he might say that there was really no question in the

lords for the purpose of supporting them against the interests of the tenants. He had been very much struck with one of the arguments of the noble Lord, in which he said that he considered it a very strong reason for opposing the Amendment that the late Government had accepted the contrary principle. The noble Lord and those who acted with him were not in the habit of expressing outside the House any approval of the principles of the late Government; but he found, when it suited the purpose of their Party, they were willing inside the House to swallow what they refused to digest outside its walls. The action of the Liberal Government, in dealing with that matter, was unworthy of any Government claiming the name of "Liberal." Liberality ought to be tempered with justice and generosity. They had a right to ask that, so far as was consistent with principle, the views of Irish Members upon Irish questions should be taken in preference to the views of Irish officials. He was much struck by one of the arguments of the right hon. Gentleman the late Chancellor of the Exchequer (Sir Stafford Northcote). He said that the late Government had the lending of money to landlords pressed upon them; but he did not tell them by whom they were pressed, nor why it was that that Government were chiefly interested in gaining loans for the landlords. Certainly, he had not heard from any one Member of the Irish Party any arguments adduced in favour of lending money to landlords; because it was the policy of the Irish nation, and the policy of the Representatives of that nation, to get rid of those landlords by fair and equitable means, and there was no desire that they should be foisted upon the Irish people. But the right hon. Gentleman the late Chancellor of the Exchequer also told them that, so far as the principle was concerned, he was opposed to going out of the ordinary procedure of Parliament to charge the money in the manner proposed in the Amendment of his hon. Friend the Member for Limerick (Mr. Synan). He (Mr. Finigan) had always found that when Irish Members asked for anything, from an Irish point of view, they were referred to the procedure of previous Parliaments; but he thought it was quite time that they ceased to hear of the procedure of previous Parliaments.

Mr. Finigan

So far as Ireland was concerned, they had been too often ruled by the system of the precedents in that House—as, for instance, in the case of the precedent of the Act of Union. He felt it his duty to support in the Division Lobby the Amendment of his hon. Friend; and he trusted that many Liberals, who claimed to be really so, would go with him, and also that many Tories, acting on principle—for they could act on principle quite as well as Liberals—would give their support to the demand of the Irish Members. He could not sit down without alluding to the generous speech of the hon. Member for Northampton (Mr. Bradlaugh). He had heard many things against the hon. Member's character, but he thought he had shown on that occasion a spirit which self-styled Christians would do well to follow; and he trusted that they would vote in accordance with the principles of justice, and not according to the precedents of misrule.

MR. CHARLES RUSSELL said, he did not wish to prolong the debate; but he wished to state why he should vote for the Amendment of the hon. Member for Limerick (Mr. Synan). He did not think it advisable that the debate should be prolonged, inasmuch as the case on the part of the Irish Members had been fully and completely put before the Committee, and he was anxious that the Bill should be proceeded with. He hoped, therefore, that the discussion would be soon brought to a close, and that a division would be taken. He thought that, in discussing this matter, there was no necessity for going into the policy of the late Government with regard to the loans they had made. He was most ready to accept the statement of the right hon. Gentleman the late Chancellor of the Exchequer (Sir Stafford Northcote), giving full credit for the best motives in what they had done. With regard to the question whether or no the loans should be made from the Exchequer, they had heard reasons from the Front Benches why loans of public money should not be made at that rate of interest. He himself was not sufficiently conversant with the question to understand whether those reasons were forcible or satisfactory or not; but he would remind the Committee that that was only a technical question. The real question before the Committee was—

was the distress, was the famine in Ireland to be treated or not as a matter of merely Irish concern or of national concern? Was it, or not, a case in which the people of this country, to which that country was united, should help by taking money out of the purse to which they—the Irish—had also contributed, in order to relieve the distress which was and ought to be regarded as of national concern? He could not but think that it was a matter in which the Government might easily make a concession; for he could see no reason why an Amendment should not be adopted by which the Consolidated Fund would indemnify that of the Church Surplus for the loss it must otherwise sustain.

MR. O'DONNELL said, he wished to say a few words; but he did not wish to prolong the discussion unnecessarily. ["Oh, oh!"] Hon. Members who expressed their hilarity, should recollect that he had not yet spoken in that debate. There was no point that had arisen in the discussion which had not already been ably advocated by his Colleagues; but he felt it incumbent upon him to protest against the attempt of the present Administration to throw responsibility upon the Irish Members with regard to the original acceptance of the principle of giving loans to landlords as a means of relieving the distress. They had protested, all of them, against the adoption of that principle, when the Bill was first brought in. He, himself, when the second reading came on, put on the Notice Paper a separate Amendment, for the purpose of tying up, as far as possible, the hands of the landlords so that they might not be able to misuse those loans. They were against giving them loans in the first place, and when obliged to yield to the formidable majority that the late Government possessed, they did their utmost in Committee to minimize the evils contained in the proposal. His Amendment was that no portion of any loan should be expended in connection with consolidation exceeding the value of the holding of the land, and it also sought to provide that no landlords effecting other loans by means of those loans should be allowed to charge a higher rate than that contained in the Government proposal. They had, in fact, first objected to the proposal altogether, and then sought to restrict, as far as possible, the

capacity for misusing it. He could not but think that it was singularly inconsistent on the part of the present Government to renew that principle of giving loans to landlords, because he would venture to point out that, in fact, while the Government was thus proposing to offer landlords an opportunity of incurring liabilities, they were obliged at the same time to bring in what he would call a Crisis Bill—the Compensation Bill—in order to diminish the capacity of landlords to meet their liabilities. Of course, hon. Members need not vote for that Bill; he only referred to it in order to show the singular inconsistency of the Government, when, with one hand they were asking landlords to take loans, and with the other hand obliged, in consequence, as a set-off, to restrict the power of the landlords from calling in such loans as they themselves had made. He was unable to congratulate the Liberal Administration on grafting Conservative measures upon a Liberal policy; but he wished to join his voice in protesting against this matter being treated in the way it was, instead of being made a question of Imperial necessity, and against the whole loss being made to fall upon overburdened, despised, and impoverished Ireland. He certainly sympathized with the position of the hon. and learned Member for Dundalk (Mr. C. Russell) who had just addressed the Committee. He had expressed his surprise at the line the Liberal Government were pursuing. The Government, it appeared to him, (Mr. O'Donnell) spoke of them as a united people, when any measure for assisting to carry burdens was before the House; but they were treated in a very different way and altogether separately, when it was found that there was a question before the House by which they could be deprived of the advantages to which they would otherwise be entitled.

Question put.

The Committee *divided*: Ayes 58; Noes 184: Majority 126.—(Div. List, No. 38.)

MR. DALY said, he begged to move the Amendment which stood in his name. In page 1, line 26, at end, he proposed to add—

"Provided always, That in view of the want of employment of the labouring classes, and the

consequent distress in certain districts in Ireland, the time for completion of works by owners of land already sanctioned, or of such other works as may hereafter be sanctioned, be limited to the thirty-first day of May one thousand eight hundred and eighty-one."

He thought it would be the means of making the landowners feel that that House was strongly of opinion that many of the labouring classes should be provided with immediate employment. There was, at present, no recognition of the fact that immediate employment should be given, and the only practical way was, he thought, to annex a term in which the contract must be completed. There could, he thought, be no hardship in compelling the landlords to complete the work by a given time. They were not to be charged any interest for two years, so that, in point of fact, they got the money for nothing, subject only to a future charge for interest. Therefore, the intentions of the Legislature would be best fulfilled by compelling the landlords to execute such works as had been sanctioned within a given time. They ought not to lose sight of the fact that, in case of a bad harvest, a large number of persons would be anxious to work in the autumn. The present condition of affairs was most peculiar; there was no ready money going, nor any credit obtainable by small farmers or labourers. The condition of things was similar in all the distressed districts; men who used to be able to get credit for £2, £3, £5 or £6, could get none at all now. He was not one of those who thought that the wants of the people would be best met by giving them eleemosynary relief. There could be no more direct way of assisting the labouring man than by giving him employment. The Government, in accordance with its benevolent intentions, had placed large sums of money in the hands of landlords on very easy terms. He wished to remind them that not a sixpence would be added to the charges upon those loans by stating to the landlords that they had received money for which they would be charged nothing for two years, and that all the Government asked in return was that they should give immediate employment, inasmuch as that was the purpose for which the money had been granted. He was anxious for the Bill to become law, and he recognized the motives of the right hon. Gentleman the Chief Secretary for Ireland in pushing on with

Mr. Daly

it. He would not delay the Committee any longer, but move the insertion of his Amendment in the clause.

Amendment proposed,

In page 1, line 26, at end, to add, "Provided always, That in view of the want of employment of the labouring classes, and the consequent distress in certain districts in Ireland, the time for completion of works by owners of land already sanctioned, or of such other works as may hereafter be sanctioned, be limited to the thirty-first day of May one thousand eight hundred and eighty-one."—(*Mr. Daly.*)

Question proposed, "That those words be there added."

MAJOR O'BEIRNE said, that, in the case of the first grant of money, no limit had been placed as to the time during which it was to be spent. This Amendment placed a limit at the 31st May, 1881. He had always thought that some such limit should be inserted in the Bill, and he therefore hoped that the Amendment would be accepted.

MR. VILLIERS STUART said, he begged to state that, as an Irish landlord who had himself taken out a considerable loan, he fully approved of the principles of the Amendment. He thought it was only fair that a limit should be fixed, in order to secure the money being used for giving employment within the period that it was needed, and thus relieving distress. For his own part, the only alteration he would suggest was that that limit should be fixed at next year's harvest, instead of May, 1881.

SIR H. DRUMMOND WOLFF said, he agreed with the principle that the money should be spent as soon as possible for the purpose of affording immediate employment; but there was a kind of works upon which it was impossible to place more than a certain number of men. Tunnels and drainage works were instances of the kind, and to limit their completion to a certain date would practically put a stop to them altogether. For that reason, it was desirable to add some words to the Amendment which, if it was carried in its present form, would have the effect of putting a stop to useful works and throwing away the money advanced.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the powers sought to be enforced by the Amendment were already given by the Act of

1862. The limit when small works were undertaken was one year, while for larger works two and three years were allowed. The time necessary for completion, of course, depended on the nature of the operations, and it would be seen to be quite impossible that a number of large works could be finished within the time suggested by the hon. Member (Mr. Daly). Again, with respect to the greater number of the works, the time allowed for their completion had been provided for in the bonds executed by the parties to whom the loans had been made.

MR. DALY said, he considered that a grave omission had been made in the Bill, in not appointing an early day for the completion of works on which money was advanced. In the face of the motive for early completion, it was, in his opinion, the imperative duty of the Government to compel the money borrowed to be laid out within a period which would bring food and wages to the working classes.

SIR H. HERVEY BRUCE said, he thought, if the Amendment were carried, it would remove some of the objections which had been made both to this Bill and that of the late Government, on the ground that the money was being advanced simply for the benefit of the landlords in Ireland. The money was intended to be spent during the distress. It might be complained that there had been some slight breach of agreement, if the Amendment were adopted; but he did not expect there would be, and if that should happen it could, no doubt, be very easily got over. As the money was advanced under special circumstances, and at an exceptional time to the landlords, he thought that, perhaps, the matter might be rectified by the money being advanced at the rate originally intended, if the works were not completed within the time mentioned in the Amendment of the hon. Member (Mr. Daly). He should vote for the Amendment.

MR. W. E. FORSTER said, he wished there had been some period fixed in the original Bill; but it was the duty of the Government to keep faith with those who had applied for loans. He would like to hear the interpretation of those who made the bargain with reference to this point.

MR. GIBSON said, he thought the hon. Member for Cork (Mr. Daly) had

spoken with sufficient clearness on the subject. He thought the reasonable course was to leave the matter over for Report, and, in the meantime, the Government could consider how far the contracts had been entered into. That proposition would not injure any interest. There could, however, be no doubt that adding terms to a contract already entered into might be a breach of faith. Having regard to the character of the works, he thought it might be assumed that they could be speedily executed, and if the matter were allowed to stand over for Report, it would give the Member for Cork and the Government time to look further into the subject. The right hon. and learned Attorney General for Ireland (Mr. Law) had referred to one of the numerous statements that regulated and controlled the management and spending of these grants, which was a strong reason for postponement, in order to allow the hon. Member for Cork to look into the Act in question. In the meantime, it might be considered by the right hon. Gentleman the Chief Secretary for Ireland how far contracts had been entered into by those who had borrowed money for the completion of alterations. It would be unfair that the borrowers should take up money at a certain date, and then that an Act of Parliament should be passed, saying in effect, notwithstanding the arrangement entered into at the time the money was advanced we will make a new one. It was usual for loans made by the Board of Works to be spread over five instalments, and it was, he believed, provided that the first should be advanced on the 31st July.

MR. MITCHELL HENRY said, there could be no more important Amendment than that before the Committee, so far as the present Bill was concerned, because the whole of Ireland was studded with incomplete works under the charge of the Board of Works. He, himself, knew of many cases in which loans had been advanced, while the works intended to be executed had remained unfinished for years. The Committee would do well not to be misled by some of the arguments which had been advanced upon the subject. The Act of 1862 did not apply to these loans in the sense in which it had been applied by the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law). That

Act enabled the Board of Works to make advances, and fixed times for the completion of the works contemplated. But those periods had not been adhered to. That had been found out by the Committee, on which he sat, to inquire into the operations of the Board of Works. But there was, moreover, this extraordinary anomaly in the argument of the right hon. and learned Gentleman. It appeared that the reason why this enormous sum of £1,500,000 was called for to be advanced was that contracts had already been entered into. But, if that were so, how could anybody argue that the Act of 1862 was to regulate the completion of these works? He had never believed that the present Government were under any obligation whatever to carry out the *quasi*-promises of the late Government. He had already stated that he considered the thing to be wrong, and had since met with nothing which had caused him to alter his opinion. But, having done the act, they ought to be careful that the works should not be left in an unfinished condition. He was not at all willing that the subject of the Amendment should be postponed; hon. Members knew well what that meant. He was not particularly anxious that the date of limitation should be the 31st May; indeed, he thought it would be better to give a longer period, and suggested that the end of October should be the time fixed. His hon. Friend would probably not object to the extension of the period named in his Amendment; at the same time, some period should be fixed for the completion of the works. But he wanted to know in what way borrowers were to be compelled to complete their works? The Government could be compelled to advance the money to the landlords; they advanced it in instalments, and took precautions that a portion of the works should be completed by the 31st July, before the borrower could get the second instalment. And there was also the provision, in the former Act, that the third instalment would not be advanced unless the second had been used when that became payable. But there was no power beyond that. What he asked was to prevent a landlord obtaining three instalments, and never applying for the fourth at all. Enormous sums of money had been spent in that way under the Board of Works in Ireland

that were absolutely useless because they had not been completed. Again, the Government had given no strength to the Board of Works, but had put upon that overcharged Department the superintendence of the expenditure of £1,500,000 before they had even given them the means of overtaking their ordinary work, and, at the same time, they asked the Irish Members, the trustees of a Fund for the use of the Irish nation, to sanction the action of the Board. He hoped his hon. Friend would press his Amendment, and not wait for the Report.

MR. W. E. FORSTER said, he thought his hon. Friend the Member for Galway (Mr. Mitchell Henry) was rather confusing the landlord loans with the presentments of the baronial sessions. The late Government had thought they would get rid of some of the danger of useless works by putting it on the landlord to borrow money for works useful to his own interest, and, accordingly, they laid down the condition that the first instalment must be spent before the second instalment could be obtained. Whether his hon. Friend the Member for Galway was right in his estimate of the Board of Works or not really did not affect the matter in hand. He (Mr. W. E. Forster) quite understood the feeling of the hon. Member that it was a bad thing to encumber Ireland with unfinished public works. But the works referred to were not of a public character. They were private works. And the object of the late Government was to get landlords to undertake private works in order to give employment. He believed this was the whole meaning of the loans to landlords. The right hon. and learned Attorney General for Ireland (Mr. Law) had referred to the Land Improvement Act of 1862. Now, the conditions on which these loans were made to the landlords included a lower rate of interest; but otherwise they were on the same conditions. Therefore, the clause of that Act relating to the period of time for completion of works did apply to the present loans. He entirely and absolutely agreed with the object of the Amendment; but he felt it would not be right to assent to the alterations proposed until he had an opportunity of ascertaining the opinion both of the late and present Attorneys General as to how far the Government

Mr. Mitchell Henry

could insist upon the execution of the works within the appointed time. He thought the point might be fairly left over for consideration until the Report.

MR. O'DONNELL said, that, perhaps, under ordinary circumstances, they might best meet the convenience of the Government and of Irish Members who desired an important matter to be settled in Committee by postponing the consideration of the clause, because it was quite clear that if it got out of Committee the Irish Members would lose a great deal of their power over it. The right hon. Gentleman the Chief Secretary for Ireland had expressed his hearty concurrence with the object of this Amendment, and the postponement of the clause would give him full time for further consideration as well as keep the clause still under the control of the Irish Members. He therefore suggested that the clause should be postponed.

MR. W. E. FORSTER said, it was not possible to frame the clause that day. He appealed to hon. Members to remember that the Committee had been occupied for six hours, and now it was proposed to postpone the clause. That proposal meant really that they were to make no progress at all. It meant, further, that they would be obliged to put off the expenditure of the £45,000 until late in the year. He had not the slightest desire to stop the expression of opinion upon the subject of the Amendment; but it was rather too bad to ask for the postponement of the clause.

THE CHAIRMAN pointed out to the hon. Member for Dungarvan (Mr. O'Donnell), that the clause having been amended could not be postponed.

MR. O'DONNELL said, he had not moved, but merely suggested, the postponement of the clause. For his own part, he was quite satisfied with the statement of the right hon. Gentleman.

MR. PARNELL said, he could not entirely agree with the advice of the right hon. Gentleman the Chief Secretary for Ireland that the Committee should hurry through his Bill for the reasons stated by him. They had seen how much mischief had been done in the last Parliament by the hurried legislation which had taken place with reference to the relief of Irish distress. The various points now raised had been dictated by the experience gained since that time. It was rather unsatisfactory to be told

by the Chief Secretary for Ireland that unless the Bill were passed through Committee that evening he did not know when he could again bring it forward, and that, in consequence, a number of benefits would be lost to Ireland. But there was nothing to prevent the right hon. Gentleman agreeing to the loans to Boards of Guardians; and so far as the Fishery Piers and Harbours were concerned the amount of £45,000 was a very insignificant sum, and one which ought to have been considered outside this Bill. He had himself urged upon the Chief Secretary for Ireland the desirability of such non-contentious matters being dealt with in a separate measure. The right hon. Gentleman, however, had not thought proper to agree to that suggestion. For his own part, he was unwilling to surrender his right of discussion for the purpose of getting the £45,000. He would further point out that the Amendment had been down on the Paper for a fortnight; and it was somewhat unsatisfactory that one of the Law Officers of the Crown, the right hon. and learned Attorney General for Ireland, who, he (Mr. Parnell) thought was not over-burdened with work, had not considered it and given the Committee the result of his consideration. The right hon. and learned Gentleman had told the Committee of the Act of 1862, and that under it bonds had been entered into. But did he know to what extent the £1,500,000 proposed to be lent by this Bill had been dealt with in those bonds? Again, did he know the terms adopted by the Board of Works under the powers of the Act of 1862, if they limited the works to one, two, or three years? Of course, information upon these subjects was exceedingly valuable, and was very much desired by the Committee for their guidance. Seeing that the Amendment had been on the Paper for a fortnight, it must have been evident to the right hon. and learned Gentleman that a discussion would be raised as to the terms of the bonds which had been entered into. He could not help thinking that the right hon. and learned Gentleman ought to know what terms had been agreed upon. If the Committee were supplied with that information, he could not see why they should not proceed to deal with the subject at once. However, in the absence of that information, he did not think it

desirable to postpone the question until Report; because, as it was difficult to obtain from Government reasons why they were honourably bound with reference to this sum of £750,000, they might on Report be unable to furnish reasons why they were honourably bound not to accept the terms of the Amendment. He thought the Committee was entitled to some further information, and would suggest either that the Amendment should be accepted at once, power of alteration being reserved to the Government, or that the clause should be withdrawn; and as it was obvious that the stage of the new clause could not be reached that night, it might be brought in as a new clause a few days later, or whenever the Government wished to take the Bill again in Committee. He preferred that course to postponement until Report, which simply meant a foregone conclusion.

MR. W. E. FORSTER said, he hoped the Bill would be allowed to pass through Committee that day. He did not think it was necessary to postpone the consideration of the clause because the Amendment of the hon. Member for Cork (Mr. Daly) was not at once accepted. He (Mr. W. E. Forster) was most anxious that there should be a limitation of time, if it could be fairly come to; any man in his position would, of course, desire it, so that the loans might be as useful as possible. He could assure the hon. Member (Mr. Parnell) that the fullest opportunity would be given on Report for discussing the matter, and he hoped they might then get on through the Committee stage. The hon. Member must for the present put aside the question of the Fishery Piers, though, certainly, an immense amount of representation had been made about them, and there was, no doubt, much greater interest taken in the matter than hon. Members were aware of. When the hon. Member talked of terms with Boards of Guardians being made, he must be aware that it was impossible that they could delay administering the law, according to the terms of the recent Bill, by making the clauses now proposed retrospective. He was much obliged to the Committee, who, it seemed to him, were willing to proceed with the Bill, and he did not think he was asking much in saying that that matter should be allowed to stand over

for Report. He would go further, and say that any appeal made by any hon. Member coming from any part of the Kingdom, with regard to that matter, should be fairly considered.

MR. DALY said, he fully recognized the value of what the right hon. Gentleman (Mr. W. E. Forster) had said, and he was deeply impressed with his anxiety to do good. He would only say that he would put himself in his hands; he had no wish to oppose, but, on the contrary, a great desire that the Bill should become law. But he wished to ask the right hon. Gentleman with regard to one point. A large portion of the works the right hon. Gentleman's Government had received as a kind of legacy, and, of course, in good faith, ought to be attended to. Those works had been assisted by loans to which no limitation of time was annexed, and they now sought to bring about some limitation. Would the right hon. Gentleman take the matter into his consideration?

THE CHAIRMAN: Do I understand that the hon. Member for Cork (Mr. Daly) wishes to withdraw his Amendment?

MR. DALY said, he was anxious to take any course that the right hon. Gentleman the Chief Secretary for Ireland thought best. Perhaps, on Report, when he brought up his Amendment, he should amend it by leaving out the words "already sanctioned."

MR. W. E. FORSTER said, he did not wish that there should be any misapprehension. He did not think that the words had much to do with it. They considered that, as Notices had been sent out on the 1st of November and 12th of January, they might rely on the loans being employed in accordance with the terms of those Notices. He had already stated that he thought the term "sanction" had a different meaning with regard to the landlords as compared with the baronial presentments and sanitary works. In those cases, the sanction lay in the fulfilment of the conditions. He could honestly say that, with regard to the inconvenience they had been put to in keeping faith and making conditions as to time, he was very much strengthened in his opinion by the remarks which had fallen from the right hon. and learned Gentleman the late Attorney General for Ireland (Mr. Gibson).

Mr. Parnell

THE CHAIRMAN: Do I understand that the hon. Member for Cork (Mr. Daly) wishes to withdraw his Amendment, and bring it forward hereafter as a new clause?

MR. DALY: Yes.

THE CHAIRMAN: Is it your pleasure the Amendment be withdrawn?

MR. MITCHELL HENRY said, he should like to say a few words before the Amendment was withdrawn. He was willing that it should be postponed; but the right hon. Gentleman the Chief Secretary for Ireland (Mr. W. E. Forster), in his recent remarks, had referred to those of the right hon. and learned Gentleman the late Attorney General for Ireland (Mr. Gibson). He wished to know whether the right hon. Gentleman refused to take the responsibility, as he understood him to say that they would accept the Amendment provided that the Law Officer of the late Administration agreed with them that they could do it in good faith? He should like to know what were those arrangements, that they so perpetually heard of, as having been made with the landlords, arrangements which did not seem to be contained in any public documents, or, at any rate, in those sanctioned by the late Act? The Circulars of November and January sanctioned certain uses of public property; and now they were told that the right hon. Gentleman the Chief Secretary for Ireland (Mr. W. E. Forster) could not act for himself, but that he must appeal to the late Attorney General for Ireland as to certain arrangements which had been made with landlords which could not be broken. He (Mr. Mitchell Henry) knew how it would be; he dare say that hon. Gentleman would be impatient in discussing that matter, because it was not their money that was to be expended—it was the money of the Irish, and not that of the Imperial Exchequer. He knew perfectly well what would happen—half of those works, and more than half, would never be completed at all, so that that expenditure would be rendered almost worse than useless. He was well acquainted with the way in which things went in Ireland, and he knew that that would be so. The right hon. Gentleman the Chief Secretary for Ireland himself stated that he thought the Board of Works had no right to make conditions with landlords, but only with the sanitary authorities. No

doubt, the sanitary work would be completed under the superintendence of the Local Government Board; but it appeared that the landlords would be able to do what they liked with their advances. He thought, unless they had some further assurance from the right hon. Gentleman that some means or other would positively be adopted to insure the completion of works of that kind, it would be the duty of the hon. Member for Cork (Mr. Daly) to press his Amendment.

MR. W. E. FORSTER said, he should be happy to give the assurance called for if he were able to do so. It was not the business of the Government to insure that those landlords who had borrowed money should complete the works. What they obtained from the landlords was the employment of the people, and he was not aware that Irish landlords were the only class in whom not the slightest degree of trust could be placed to look after their own interests. After having borrowed the money in order to make works, it would be to their interest to finish those works. The money paid to them, and the low rate of interest, would be by no means useless. He thought it was a most dangerous principle to lay down that, having lent that money to private persons that they might employ people for the public good, they should be called upon, and the responsibility should be thrown on them, of seeing that the works were finished. With regard to what his hon. Friend (Mr. Mitchell Henry) had stated about avoiding responsibility, he could assure him that it was not their intention in the slightest degree to do so. The right hon. and learned Gentleman the late Attorney General for Ireland (Mr. Gibson) had made a bargain, and they should, no doubt, adhere to the terms of it as strictly as they could. His hon. Friend had, two or three times, referred to public documents. Those public documents, or rather the terms of them, were contained in the 9th section of the Relief of Distress (Ireland) Act. The documents themselves were the Circulars issued to the Commissioners of Public Works in November and January, by which they were authorized to make loans to landlords. They considered them fully binding, and they were unable to depart from their terms. If it had not been for that, the present Bill

would probably not have been laid before the Committee.

MR. O'DONNELL said, he rose because he thought the right hon. Gentleman the Chief Secretary for Ireland was, quite unintentionally, a little unfair in regard to this matter. [*Cries of "Agreed!"*] Hon. Members might be agreed; but they were not all agreed. He objected, as an Irish Member, to being interrupted by hon. Gentlemen who were responsible, only technically, by that unfortunate Act of Union. The hon. Members on his side of the Irish Party fully recognized the spirit of kindness with which the right hon. Gentleman approached the subject. What was quite patent was the great lack of information possessed by hon. Gentlemen on the Government Benches in regard to this matter. If the right hon. Gentleman himself gave them a certain amount of guarantee then, they knew that when the subject was brought forward on Report the information with which he would be furnished would be little more than the opinion of a number of Irish officials. If there was a statement which, by consent of all Parties, was regarded as unfavourable and unreliable, it was that of the Irish officials. Under all the circumstances, all they pleaded for was more information, and they should like to have the opportunity of pointing out to the right hon. Gentleman what, in their opinion, was reliable information. He certainly thought that it would be a good thing if the information of Irish officials could be corroborated or supported by independent Irish Representatives.

MR. CALLAN said, that, according to those who had been criticizing the working of the Act in Ireland, it seemed to be in a sad plight. He thought that the word "bargain" was an unfortunate one to introduce. He did not recollect whether the right hon. Gentleman the Chief Secretary had used that word, or another hon. Gentleman. If the Board of Works were lavish in giving money to landlords, they should bear in mind that by the Act that money was only to be advanced in instalments, and the second instalment was not forthcoming until a certificate had been produced that the money of the first had been expended. That was a sufficient guarantee. He thought, with regard to the period that remained, the limitation

might be inserted as regarded the time during which the money was to be expended; but he thought the landlords and tenants might be trusted to receive the money even without those terms. He believed that the hon. Member for County Galway (Mr. Mitchell Henry) sat on a Departmental Commission of the Board of Works, and he ought to be aware that these were public documents and not "bargains." He (Mr. Callan) apprehended that there was no such thing as private bargains of that nature, and that there was no arrangement between the landlords and the Board of Works which was not public. Of course, on the other hand, such documents need not be open to everyone.

MR. O'CONNOR POWER said, he would venture to express his opinion that there was a substantial agreement as to the mode of procedure with reference to that Bill, and that hon. Gentlemen should not get up and delay the Business by the introduction of irrelevant matter. If, on every opportunity that presented itself, they were going to discuss the general principles of the Bill, he saw clearly that no substantial progress would be made. He had reason to complain, for there was a difficulty in following the question. He should like to know whether the hon. Member for Cork City (Mr. Daly), who had moved the Amendment, and the Chief Secretary for Ireland (Mr. W. E. Forster), agreed upon any point before the Committee? Was there an arrangement between them? His impression was, and, in fact, he had understood, that the right hon. Gentleman had made an offer which his hon. Friend had accepted. How was it that they had not advanced a single inch since? He appealed to the Chairman to exercise his undoubted authority not to allow them to sit on until the Sabbath morning listening to such irrelevant remarks as had just fallen from the hon. Member for the County Louth (Mr. Callan).

THE CHAIRMAN: The Question is, is it your pleasure the Amendment be withdrawn?

MR. PARNELL said, he should like to ask the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) whether he could then give them the information for which he asked a short time since? First, as to the number of bonds entered into between

Mr. W. E. Forster

the landlords and the Board of Works under the previous Act of 1862. Secondly, the amount of money covered by those bonds. Thirdly, the term of years covered by each class of bonds—for he had understood that there were different terms for the different classes of bonds. If the right hon. and learned Gentleman could give him an answer at the next Sitting it would do quite as well.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not now enter into the details of the matter; but, at the same time, he had no wish to withhold any information. As he had already mentioned, the Commissioners were empowered to limit the time of the execution of the works for which the loans were granted; and, accordingly, the bonds given by the landowners as security for the advances provided for the execution of the works in a given time. In reply to the questions of the hon. Gentleman the Member for the City of Cork, he begged to say that it appeared that the number of landowners to whom loans were granted was 1,590, and the amount of capital represented by those loans was upwards of £1,000,000. He assumed that the regulations of the Board of Works were sufficiently stringent, and that they had taken care, before the issue of the first instalment, to take bonds for double the amount of the entire loan. Assuming this to be so, the 1,590 gentlemen who had thus borrowed money had entered into bonds by which they bound themselves, not only to repay the advances, but also to execute the works within limited periods. The right hon. Gentleman the Chief Secretary for Ireland (Mr. W. E. Forster) had told them that a very large number had borrowed small sums; and in all such cases the completion of the works was, no doubt, required to be within one year.

MR. BIGGAR said, he should like to ask the right hon. Gentleman the Chief Secretary for Ireland (Mr. W. E. Forster) if he was aware, with reference to the late Act, that these Notices were based upon the Notices in *The Dublin Gazette* of November and January? He hoped that the right hon. Gentleman would be able, on the next occasion that they discussed that clause, to tell them the terms with regard to the payments of the instalments, and whether it was

true that the second instalment, for instance, could not be given until the first was certified as having been expended in the manner intended? He believed that hon. Members were very much in the dark with regard to these loans to landlords.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he would answer the question of the hon. Member for Cavan (Mr. Biggar). The Commissioners of Public Works in Ireland were authorized to pay the landowners their advances by instalments, subject to certain conditions. The interest, after two years, was at the rate of 1 per cent, and the borrowers were required to give security, by bonds, in double the amount of the entire loan. If they failed in any one particular of the contract, no further sum would be advanced to them on the present favourable terms.

Amendment, by leave, *withdrawn*.

MR. BIGGAR, in moving, as an Amendment, in page 1, line 26, at end, to add the words—

“Provided, That no further loan be granted to owners of land after the passing of this Act except in cases where the Commissioners of Public Works had sanctioned such loan previously to the seventh day of May, one thousand eight hundred and eighty,”

said, in November last the late Government made an offer of loans at cost price to landowners. Again, in January, they offered them loans to the extent of £450,000, specifying that sum in the Notice. However, it seemed that the response to that offer was the application for a large number of loans. Then, in February last, the late Government introduced a Bill that proposed to lend a sum not exceeding £500,000. They then proposed to amend the Bill, and make the amount to be lent £750,000. The Committee had been told that day that the clause containing this provision had been passed without controversy or opposition. He wished to state that it was not passed without controversy, although it was ultimately passed without a division, after a number of Amendments had been put forward. One of the provisions of the clause was that a sum not exceeding £750,000 should be lent to the landlords. Irish Members had objected to the giving away of so large a sum of money; but they could not help

themselves, and the result was the Bill passed into law. A new Government had since come into power, and many new Members had taken their seats. That new Government said—"We think the late Government made a most absurd arrangement, and having, first of all, by Act of Parliament, obtained authority to lend a certain sum of money in a very objectionable way, they have, in addition to that, contracted to lend a very much larger sum, and wish now for an indemnity." But the present Government were now not only indemnifying the late Government for what they did illegally, and beyond the statutory powers conferred by Act of Parliament, but seemed also disposed to go on lending money in the same way. Of course, if they did not intend to do so, he should not press his Amendment. He had heard that only a small proportion of this money went in relief of the distress in Ireland, and that the landlords got the money. The right hon. Gentleman the Member for North Devon (Sir Stafford Northcote) had stated that during the early stages of this plan for lending money to landlords he obtained the best information on the subject. But Members of the present Government should bear in mind that the best authorities they could get were the public statements of hon. Members from Ireland made in that House, which were the expression of the opinions of their constituents, and, consequently, of great value. He begged to move the Amendment of which he had given Notice.

Amendment proposed,

In page 1, line 26, at end, to add the words, "Provided, That no further loan be granted to owners of land after the passing of this Act, except in cases where the Commissioners of Public Works had sanctioned such loan previously to the seventh day of May, one thousand eight hundred and eighty."—(*Mr. Biggar.*)

Question proposed, "That those words be there added."

MR. W. E. FORSTER said, the Government had taken no responsibility whatever beyond that which awaited them on taking Office, when they found applications for loans made up to the 27th February, which they thought ought to be complied with upon certain conditions laid down by the Act of last Session. He could not agree to the Amendment.

Mr. Biggar

MR. BIGGAR said, the Act of February last had been passed through the House under great pressure, with the representation that it was very desirable, in order to meet the urgent distress in Ireland. If those persons who made applications for loans in February last were not able or willing to fulfil the conditions imposed by the authorities up to May last, they had, in his opinion, forfeited all claim to the consideration of the Government. It was unreasonable to ask the Committee to agree to a one-sided transaction. He should certainly not withdraw his Amendment. Up to the early part of May something under £1,000,000 of this money had been really arranged for—that was to say, the landlords had fulfilled the conditions imposed by the Government; and he held that any landlord who had not, up to the present, fulfilled those conditions, was not entitled to relief under this Bill.

MR. PARNELL said, there was a Return published under date the 18th March, in which it was stated that the amount sanctioned up to the 19th April was £354,520. That was just before the present Government came into Office, and he did not see why the Government should have gone on sanctioning fresh loans, believing, as they did, that this application of money was not all that it might have been. Now, it appeared to him that the Act of last Session distinctly referred to the Notice of the 12th January, issued by the Commissioners of Public Works, the obvious inference from which was that the Government were not bound to sanction loans to a greater extent than £250,000 until the Act of last Session was passed. It was admitted that the previous Government had not sanctioned loans to a greater extent than £400,000 or £500,000. What the present Government wanted was a sanction for their conduct with reference to this matter in continuing to sanction expenditure. They said they were morally bound to expend this sum of £1,500,000. It seemed that there was no control whatever over the proceedings of the Irish Government, and that when anything was done, all that was necessary was for the Chief Secretary for Ireland to say that he felt himself bound in some way or other; and that was all the satisfaction that could be had with reference to the applications for this money. If his hon. Friend (Mr.

Biggar) went to a division, he should vote for his Amendment. It was a monstrous thing to place a charge upon the Irish Church Fund which was not applied to the relief of distress in Ireland.

LORD FREDERICK CAVENDISH said, when the Government came into Office he felt it would be a breach of faith not to complete the loans in question. He could only state that the honour of the Government was involved in this matter, and they must adhere to the arrangement entered into with those landlords who had fulfilled the conditions required by the Notice and Act of Parliament.

MR. GIBSON said, it was but right to say he entirely concurred with what had fallen from the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish). The landlords were told that if they complied with certain conditions, the Government would be willing to comply with their obligation to make the loans. The landlords having submitted to those conditions, putting it on the lowest ground, it would be the shabbiest thing in the world to say now that the loans would not be completed.

MR. FINIGAN said, he had very carefully considered the Amendment of the hon. Member for Cavan (Mr. Biggar), which, in his opinion, was a very reasonable one. There was not much difference between the hon. Member and the noble Lord opposite (Lord Frederick Cavendish), who stated that the Government felt bound in honour to carry out the arrangements with regard to loans entered into before the 29th February. He did not think his hon. Friend had any objection to that, because the Amendment said—

“Except in cases where the Commissioners of Public Works had sanctioned such loan previously to the seventh day of May, one thousand eight hundred and eighty.”

He (Mr. Finigan) could not help saying, with regard to loans the arrangements for which were not completed by the 7th day of May, that there must be something very wrong either on the part of the landlords or of the Irish officials. Therefore, he could not see that his hon. Friend was asking too much, and he had yet to understand what the exact position of the Chief Secretary of Ireland was with reference to this matter. He (Mr. Finigan) understood that the hon.

Member for Cavan quite agreed that all loans which were entered into up to the 29th February should be passed and sanctioned, but that any loan not sanctioned previously to the 7th day of May should not be completed by the Government. That proposal being a very reasonable one, he should feel himself compelled to go into the Division Lobby with his hon. Friend.

MR. FAY said, he hoped the Amendment would be withdrawn, as he believed that, unless there was a great principle involved, it was a mistake to delay the advancement of the Relief Bill by Motions of an unimportant, but possibly harmful, character. He had some knowledge of these loans to landlords, and could only say that, from their inception to their completion, they were, so far as he knew, obtained *bond fide*, and were expended for the advantage not of the landlord alone, but of the tenant and labourer. A Bill like this Relief Bill should be expedited, and he implored his Irish Colleagues to view it as a measure introduced by friends, not foes. Surely this was not a time to minimize, when every day might place the Bill in such a position as not to be passed that Session. If any defects hereafter appeared, they could be rectified in the Winter Session which was surely to follow.

MR. PARNELL said, he wished to take, in the best part, the advice of his hon. Friend opposite (Mr. Fay); but he must reply to him, in equally good part, that he intended to occupy as much time in moving the Amendments in his name as he should think necessary. His hon. Friend appeared not to make sufficient allowance for the circumstances of hon. Members from Ireland, who had from the commencement of the Session taken much trouble with the Bill and had imported into it valuable Amendments. He could not imagine how any sensible person could stand up for the proposition of the Government contained in this clause. But to show the absurdity. The right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) had pointed out that the Government were morally bound to lend money to those landlords who had applied up to the 29th February last. Now, he would ask the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish), who had endorsed that proposition, and

the Chief Secretary for Ireland also, whether, if £20,000,000 had been applied—for an amount which the Church Surplus Fund could not guarantee—they would have come forward under this moral obligation, which they so much commended, and carried a Bill through Parliament to grant that sum of money? He ventured to think that had they attempted to introduce a measure dealing with English money as they were now dealing with Irish funds, their tenure of Office would have been very brief. The Government were certainly not legally bound to continue in the disastrous and useless course of their Predecessors.

MR. CALLAN said, he hoped the Government would proceed to a division, as Obstruction was dead and gone.

MR. MITCHELL HENRY said, it was impossible the Amendment could be accepted; for, if it was, it would put a stop to all loans under the ordinary Act by which loans were advanced out of the Consolidated Fund. He agreed, however, with the spirit of the Amendment. If he rightly understood the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish), no loans under that particular Act would be sanctioned of which instalments had not already been paid, or would be so, up to the 31st of the present month. There was no object, therefore, in passing the present Amendment besides the fact that it was opposed by the terms of the Act of 1862 with reference to loans.

MR. PARNELL said, he should like to ask the Committee to be allowed to amend the proposed Amendment by adding a few words thereto. He proposed to insert the words—"Under the authority of 'The Relief of Distress (Ireland) Act, 1880,'" at the end of the Amendment.

MR. LYULPH STANLEY said, he rose to Order. Was it competent for one hon. Member to ask another hon. Member to amend an Amendment?

THE CHAIRMAN: It is proposed to amend an Amendment by adding the words—"Under the authority of 'The Relief of Distress (Ireland) Act, 1880.'"

THE O'DONOGHUE said, with regard to the statement made by the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish), it appeared to him that there could be no question, that in the case of these loans large sums had been expended by the land-

lords; and he must say that the statement of the noble Lord was quite contrary to his experience on the subject. He would venture to say that the statement of the noble Lord was inaccurate.

LORD FREDERICK CAVENDISH said, that he referred to the sum of money which had been paid.

Question, "That those words be there added," put, and *agreed to*.

Proposed Amendment *amended accordingly*.

Amendment proposed,

"In page 1, line 26, at end, to add the words 'Provided, That no further loan be granted to owners of land after the passing of this Act, under the authority of 'The Relief of Distress (Ireland) Act, 1880,' except in cases where the Commissioners of Public Works had sanctioned such loan previously to the seventh day of May, one thousand eight hundred and eighty.'"—(Mr. Biggar.)

Question put, "That those words be there added."

The Committee *divided*: Ayes 23; Noes 123: Majority 100.—(Div. List, No. 39.)

MR. SYNAN said, he begged to move the next Amendment which stood in his name. It was as follows:—In page 1, at end, add—

"Provided always, That whenever by any award or otherwise the rent of any tenant shall be increased by reason or in respect of any works executed on his holding under said Act, then, and in every such case, the works so executed shall, so far as such increase shall be paid by such tenant or his successor in title, be deemed to be improvements made by such tenant within the meaning of the fourth section of 'The Landlord and Tenant (Ireland) Act, 1874.'"

The Amendment was of great importance to the tenants of Ireland, and the principal difficulty with regard to it arose from the fact that, by it, he (Mr. Synan) proposed to introduce words in the present Bill which would alter the effect of the Act of 1880. Provision was made in that Act for the protection of the tenant, but it did not go far enough. The Act provided that if the rent of a tenant be increased by an award of the Board of Works, it could only be so increased having regard to the amount of instalments paid under that Act. No doubt, if every landlord proceeded on fair and liberal principles, as, generally speaking,

Mr. Parnell

they did, there would be no necessity for any further protection for the tenant. It was possible that the landlord might not consent to an award, and would increase the rent more than allowed by the Act, and, as an alternative, give notice to quit; in that case there was no protection for the tenant. The present Amendment was originally framed by his right hon. and learned Friend the present Attorney General for Ireland (Mr. Law), when the prior Act was under consideration, and although the Amendment was passed in that House, it was rejected by the House of Lords. He now prepared to repeat it in the present Bill. It would, he believed, give full protection to the tenant. It provided—

“That the increase in the rent of the tenant should only be in respect of the works executed, &c.”

That was a larger protection than that given by the 9th section of the recent Act, and would afford complete protection for the tenant. It was contended by some landlords that it went further than giving complete protection, and that it would do them injustice.

MR. W. E. FORSTER said, he was sorry to interrupt the hon. Member (Mr. Synan), but surely the Amendment could not be inserted in the present clause. It must take the form of a new clause.

THE CHAIRMAN: I would call the attention of the hon. Member for Limerick (Mr. Synan) to the fact that the proposed Amendment does not bear directly on the clause now under consideration. The most convenient plan would be to bring it in separately as a new clause.

MR. SYNAN said, it was a matter of indifference to him whether it were taken as a new clause or not. The reason why it appeared to him to be pertinent was that that clause dealt with the amendment of the Act of 1880, and therefore it seemed to him that it was proper to consider his Amendment there, and not elsewhere, in the form of a supplemental clause to the Bill. It could, however, take the form of a new clause if desired.

THE CHAIRMAN: As a matter of convenience, it would be better that the Amendment should take the form of a new clause. The hon. Member will

have an opportunity of bringing it forward in that manner.

Amendment, by leave, *withdrawn*.

MR. FINIGAN said, he begged to move, in the absence of his hon. Friend the Member for Cork City (Mr. Parnell), the next Amendment on the Paper. It was as follows:—In page 1, at end of clause, add—

“The Commissioners of Public Works in Ireland may from time to time, on the recommendation of the Local Government Board, grant to any Board of Guardians of a scheduled Union, out of the said sum of one million five hundred thousand pounds, such moneys as the Local Government Board may deem necessary, having regard to the financial condition of such Union, to aid in giving out-door relief in such Union: Provided, That the entire sum to be so granted shall not exceed one hundred thousand pounds.”

[MR. PARNELL entered the House while the hon. Member (Mr. Finigan) was moving the Amendment.]

THE CHAIRMAN: If the hon. Member for the City of Cork (Mr. Parnell) will listen, I propose to make some alterations in form, so that the proposed Amendment will make the clause run as follows:—

“The Commissioners of Public Works may from time to time, on the recommendation of the Local Government Board, grant to Boards of Guardians in any Union authorized to give out-door relief in the Relief of Distress (Ireland) Act, 1880, out of the said sum of one million five hundred thousand pounds, such sum or sums as they may deem necessary, having regard to the financial condition of such Union: Provided, That the entire sum do not exceed two hundred thousand pounds.”

Question proposed, “That those words be there added.”

MR. GIBSON said, he thought that a very important clause; and he thought that the right hon. Gentleman the Chief Secretary for Ireland (Mr. W. E. Forster), who had assented to it, would desire that the relief proposed to be granted should only be so granted under very stringent and special conditions. The only special condition he found in that clause was contained in the words “having regard to the financial condition of such Union.” He should like to add to the Amendment, in that place, the words “the pressure of distress, and the impracticability of otherwise adequately relieving.” That would render the conditions very special. If the right hon. Gentleman would say that he would consider before

Report putting in such special words, he should be quite satisfied. That was the phrase which the right hon. Gentleman had himself employed some time ago. He was satisfied that the right hon. Gentleman would agree to that.

MR. W. E. FORSTER said, he would think over the words. It appeared to him, however, that their spirit was conveyed in the word "necessary." The words "impracticability of otherwise relieving" were very binding. He thought it important that the words should be altered in the following way:—

"They may deem necessary, having regard to the financial condition of such Union and to the partial distress then within its limit."

Amendment of said proposed Amendment *agreed to.*

Amendment, as amended, put, and *agreed to.*

Clause, as amended, *agreed to.*

Clause 3 (Railway and other loans); and Clause 4 (Guarantees by presentment sessions).

MR. W. E. FORSTER said, he proposed to postpone these clauses until the others had been passed. He should, therefore, move that they be postponed.

Motion made, and Question proposed, "That Clauses 3 and 4 be postponed."
—(*Mr. W. E. Forster.*)

MAJOR NOLAN said, he took a different view of the matter, and he was extremely anxious that those clauses should be passed, so that arrangements might be made for loans to railways in Ireland by which they might be assisted in their operations. He had never been in the habit of concealing his feelings with regard to any Motion or Bill before the House. He considered it was binding on them not to postpone those clauses. The fact was, they had in them a good deal that was good, and also a good deal that was bad. The good part of the clauses allowed the Commissioners of Public Works in Ireland to develop the resources of the country by adding branch railways, and assisting others that did not quite pay, from a capitalist's point of view, although they did so from the point of view of the particular district railways

Mr. Gibson

that so nearly paid that they deserved encouragement. That was the good part of the clauses. The bad part of the clauses was with reference to the baronies. Some baronies were, no doubt, fully competent to perform the work allotted to them, and against those he had nothing to say; but there were others which, although originally existing under the old feudal system, now existed only in name, and all that remained of them was their geographical position. Those were altogether useless.

MR. WARTON said, he rose to Order. The Question before the Committee was that Clause 3 be postponed. The hon. Member was then discussing Clause 4.

MR. CHAIRMAN: The Question is, that both clauses be postponed.

MAJOR NOLAN said, the hon. Member (Mr. Warton) was quite right. He (Major Nolan) referred to the 4th clause in order to avoid making a second speech, and so interfering with the time of the Committee, as the hon. Member did so often himself. He did not wish to make another speech on the same subject, and so imitate the example of the hon. Member. He had referred to the bad part of the clauses, and he thought it would be to the convenience of the Committee if they were allowed to discuss those questions of loans then. The money lent by the baronial sessions was lent exclusively to tenants. Now, if some other arrangement, such as, for instance, an equal share granted to both landlords and tenants, were made, he thought it would be better and fairer; and when taxes were raised for the benefit of the country, he thought that the landlord should pay half and the tenant half. He had an Amendment to that effect on the Paper. That was a matter he had pressed on the Government for the last two or three years, and he, therefore, did not think it right to consent to the postponement of the clauses without stating his objections to that arrangement. He was convinced that it was a matter of great importance. He was quite aware that all hon. Members were not quite agreed upon the matter of railway loans; but he was willing to give way, to a large extent, in that matter, in order to meet the general feeling with regard to it. He must say that he was sorry that a proposition had

been made to postpone those clauses, as so many districts were interested in their becoming law as soon as possible. He should like the Government to re-consider their decision, and to see whether they would not be able to take the discussion on those clauses at that time. At any rate, he, for one, was of opinion that there were no more important clauses in the Bill than these.

MR. R. POWER said, he would move to report Progress. Hon. Members had been at work from 12 to 7, and had been in the House a great many hours at previous Sittings, and as late as 4 o'clock that morning; therefore, he thought that they ought to get some rest.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. R. Power.*)

MR. W. E. FORSTER said he was sorry he could not consent to the Motion to report Progress. It was quite true they had been sitting some time, and he supposed he had been there as long as any other hon. Member, and he had been occupied previously. But he was very anxious to get on with the Bill, and he should be glad to have the support of the Irish Members in doing so. He did not see that the Committee were in any way unable to discuss the questions that came before them, and his only object in postponing Clauses 3 and 4 was because he foresaw there would be important questions introduced with regard to them. He was prepared to sit to any time that evening, and, although hon. Members did not seem to be all of that opinion, he hoped they would not think of separating yet. He wanted first to take those clauses which would not involve so much difference of opinion; but he could assure the hon. and gallant Member for Galway (Major Nolan) that he would bring up Clauses 3 and 4 afterwards. He hoped the Committee would be allowed to go through the Bill.

MR. A. M. SULLIVAN appealed to the hon. Member for Waterford (Mr. R. Power) to let the Committee proceed to make as much progress as possible. There was, however, great force in what the hon. Member had said. They had been kept unusually late nearly all the evenings that week; but it behoved the Irish Members to set themselves right

with the country and the House, by working as long as the Government chose to keep a House. If it were for a week they should be ready to sit, and all the more from the necessity of discussing some of the Amendments they had put down. If they adopted the Motion to report Progress they would be in the wrong in the eyes of many other hon. Members, who would think that they failed to earnestly discuss the Bill, and that they were "fiddling while Rome was burning." All the Amendments had substance and merit, and he entreated hon. Members to remain, if necessary, till the next morning. He felt so conscious that the case was one of emergency, and that their Amendments were not obstructive but wise Amendments, that he urged them to make sacrifices of their comfort and time in order to meet the Government in passing the measure.

MR. FINIGAN said, the hon. and learned Member for Meath (Mr. A. M. Sullivan) had not been there all the afternoon as they had. [Mr. A. M. SULLIVAN replied, that the hon. Member for Ennis (Mr. Finigan) was mistaken.] He might be wrong as to the whole of the afternoon, but the hon. and learned Member was certainly absent for a considerable period. But he (Mr. Finigan) was just as anxious as the hon. and learned Member to get the Bill through Committee, and he would suggest to his hon. Friend who had moved to report Progress (Mr. R. Power) that he should withdraw that Motion. At the same time, he thought that the Committee should certainly adjourn for two hours, from 7 to 9, so as to give them time to get some rest. [*Cries of "No!"*] Well, if there was to be no compromise, he would support his hon. Friend's Motion; but, if they had two hours' rest, they might then go on until the next afternoon.

MR. A. M. SULLIVAN explained that, probably, the reason why his hon. Friend (Mr. Finigan) thought he (Mr. A. M. Sullivan) was absent so long was that he held his tongue. He had been sitting behind the hon. Member since 3 o'clock, listening most determinedly to his Colleagues, and thinking he was helping just as much by holding his tongue.

MR. FINIGAN begged his hon. Friend's pardon.

MR. METGE asked Irish Members not to flinch from their duty. At such a time it would be disgraceful to give up.

SIR H. HERVEY BRUCE would much regret to obstruct; but he had been waiting seven hours to get to the most important clauses in the Bill, which would confer more real benefit than any other part of the measure, and he was so taken by surprise at the proposal to postpone those clauses that he should vote for reporting Progress.

MR. W. E. FORSTER said, he made his proposition merely to suit the convenience of the Committee. He was not against going on with these clauses, and if the hon. Member for Waterford (Mr. R. Power) would withdraw his Motion to report Progress, he (Mr. W. E. Forster) would withdraw his Motion for postponement of the clauses.

MR. PARNELL said, he was one of those who thought those two clauses were so utterly worthless that they could not possibly be made any better, and he doubted very much whether they could be so amended as to carry out his hon. and gallant Friend's (Major Nolan's) views. If the ratepayers, through their representatives, wished to charge themselves for the construction of county works, he (Mr. Parnell) had no objection; but the proposition contained in those clauses was entirely different. It was, that a non-representative body called the associated cesspayers, who were chosen by the Grand Jury and who would be confined to the magistracy of the county, should be entitled to saddle vast sums of money upon the ratepayers, at an extraordinary presentment sessions convened by the Lord Lieutenant. All the checks provided by the Legislature and by the Orders of the House of Commons were dispensed with, and, consequently, there would be practically no guarantee to the ratepayers who might be affected. If they had a representative system of county government in Ireland, these clauses might be made workable and very valuable; but, in the absence of any representative system, he feared to trust the very large power that would be given. He observed that a great number of Amendments had been placed upon the Paper to open the flood-gates still higher, and, in his humble opinion, they would make the clauses still more dangerous than they were already. But he thought the Committee

were entitled to have some reason for the postponement of the clauses. They ought to know whether the right hon. Gentleman proposed to postpone them in order to consider the desirability of giving them up altogether, or whether he intended to stand by them. If the first reason was the true motive, and the effect of the proposal would only be to save the time of the Committee, he should certainly be in favour of going on with the other part of the Bill. But, with reference to the remarks of the hon. Member for Meath (Mr. Metge), who seemed to be in a state of intense excitement about the whole measure, and feared they might lose something very wonderful if they did not get it, he could only say that, so far as they had gone, they had not obtained any very important concessions. Perhaps they might obtain those concessions by-and-bye; but, in explanation of the misapprehension of the hon. Member for Meath with respect to the merits of this measure, he (Mr. Parnell) might be permitted to state that he had no recollection of the fact that the hon. Member had assisted in the numerous consultations which had been held for the purpose of practically improving the Bill, notwithstanding that the hon. Member represented that great evils would attend the stopping of so beneficial a measure. He (Mr. Parnell), for one, would very much like to ask the hon. Member for a fuller explanation of what his views really were.

MR. W. E. FORSTER said, the hon. Member for Cork City (Mr. Parnell) had depreciated the Bill very much; but he (Mr. W. E. Forster) must remind the hon. Member that he had previously expressed, in the very strongest terms, that it was a matter of almost life and death to obtain the concession that had been included in the Bill. He was, therefore, exceedingly surprised at the remarks which the hon. Member had now made, in the course of which he had described that concession as worthless.

MR. PARNELL said, he certainly did not say the concession was worthless. At any rate, he had no intention of going further than saying that it was not satisfactory.

MR. W. E. FORSTER said, he should be sorry to misrepresent the hon. Member; but he certainly understood his

argument to be to the effect which he had stated. He would state to the Committee his views concerning the Bill, because that would be the shortest way of explaining the reasons for the postponement of Clauses 3 and 4. He should be glad if those clauses could be passed, because he believed they would give a power which would be of considerable use in enabling the Government to devise the best way in which works of the kind could be developed. He was quite aware that there was some objection to the machinery which was proposed; but if they were to wait until they had got the machinery exactly to their mind, they might have to wait for a very considerable time. The position was, that there were several matters of the first importance to be dealt with in the Bill before the Committee. The first was as to how far Her Majesty's present Government were under obligations to carry out what they considered to have been the obligations to which the late Government committed themselves; the second was as to proposals made by the Government themselves, and others which they had accepted from the hon. Member for Cork City, in order to meet the immediate necessities of the case; and the third was the clause in reference to the Fishery Piers, which would enable grants to be made and the work to be commenced at once. He should not ask the Irish Members to say that the first object was one that they cared about; but the second and third they did care about, and so did he, because he thought the interests of Ireland were involved in them. But, with the greatest possible wish to get it done, he did not see how or when he was to get this discussion renewed, if it was continued now as it had been continued hitherto. He did not complain that the debates had been too lengthy; but ventured to suggest that if they were to be continued at the same length, the Government would not be able to give to the Bill more than what might be called the middle of the night. He was very sorry for that; but felt that the matters to which he had referred were of very great importance, and were also matters necessary to be decided at once, and, therefore, he hoped that the Committee would deal with them. If, after that, it was thought well to proceed with the Railway Clauses, he should be glad that such a course should be taken.

Mr. SYNAN said, it was clear to him that some part of the Bill must be postponed; and as it appeared to him that the only question was as to which part should be so postponed, he ventured to suggest that the 3rd and 4th clauses of the Bill were not the most pressing. His hon. and gallant Friend (Major Nolan) would have an ample opportunity, when the rest of the Bill had been disposed of, to insist upon a full discussion of those two clauses; but he (Mr. Synan) saw no reason to object to their postponement on the present occasion. The general wish of the Irish Members, and of the Government, to consider the most pressing part of the Bill first, should be acceded to.

COLONEL COLTHURST said, he must also add his request that the 3rd and 4th clauses be postponed, mainly on the ground that his hon. Friend and Colleague (Mr. Shaw), who had suggested that the representatives of the Poor Law Unions should assist in this matter, was unavoidably absent, but would be in his place in the House next week. In his absence, an opposition to these clauses had been developed in most unexpected quarters. He was sure that the hon. Member for Cork City (Mr. Parnell) was acting in opposition, not only to the wish of the county, but to that of the City of Cork. There was no fear of anything like bogus railway schemes being forced upon the ratepayers by the operation of the clauses. It had been said by the hon. Member for Cork City that the scheme would only be submitted to the sessions; but he (Colonel Colthurst) had always understood that they would be submitted also to the Boards of Guardians, and that railways could not be constructed without the consent of the Boards through whose districts they would pass.

Mr. MITCHELL HENRY said, he was afraid that, unless those clauses were postponed, little or no progress would be made with the Bill, because they all knew the powers of discussion which were possessed by hon. Members opposite. He would have been very unwilling to agree to the postponement, unless on an assurance from the Government that it was really intended to press on those clauses with as much earnestness as the other parts of the Bill. It was very uncomfortable to him—to say the least of it—to hear the hon.

Member for Cork City (Mr. Parnell) say that which he (Mr. Mitchell Henry) feared when it was proposed—namely, that they would be postponed with a view to their abandonment. He disputed altogether the right of certain hon. Members who sat below the Gangway on the opposite side of the House to represent to the Committee that Ireland was indifferent or hostile to those clauses. He believed those clauses to be about as valuable, if not more valuable, than any other clauses of the Bill. They had long asked for them, and to set up theoretical objections against them appeared to him to be not for the benefit of the country. He hoped the right hon. Gentleman would give them an assurance that, if they did postpone those clauses, he really intended to proceed with them; and he hoped the right hon. Gentleman would couple that assurance with another—namely, that he was open to reasonable suggestions with reference to them. He found some difficulty, sometimes, in discovering whether the Government intended to put its feet down, and carry through what it designed, or whether it was really open to fair argument on the part of those who might be particularly interested; and he would only add that, after a little consultation amongst some of the Irish Members on the matter, they were particularly anxious that these clauses should be improved.

MR. W. E. FORSTER remarked, that he was asked whether the Government had put its feet down? They would certainly do what they could to carry these clauses; but they were not going to risk the Bill for the sake of them. He would give his hon. Friends and the Committee, as far as he could, any opportunity of discussing them; and he hoped it would be done that night, after they had got through the other clauses. Meanwhile, it was a waste of time to talk so much about the postponement. As to the question of the hon. Member for Galway (Mr. Mitchell Henry) with regard to suggestions, whenever he had had charge of a Bill he had always endeavoured to entertain suggestions from anyone interested, quite irrespective of the quarter of the House in which he sat; and he could assure the hon. Member for Galway that every suggestion in this matter would be considered.

MAJOR NOLAN did not consider the discussion was any waste of time.

Mr. Mitchell Henry

Honestly, those clauses were a matter of the utmost importance. He looked on the Motion to report Progress as a bogus Motion, and would only remind hon. Members that they could get their dinners in 20 minutes. He desired to press the importance of those clauses. The county he represented had set its heart upon three different railways. In one case the Poor Law Unions had guaranteed the whole of the expense; and, in another, a large railway company had guaranteed the whole of the expense if they could borrow the money at 3 per cent. If the Government brought forward a scheme by which those railways could be made, they would be made to a certainty. He was very glad to find that the difference between himself and the hon. Member for Cork City (Mr. Parnell) was narrowed to a certain extent. The hon. Member for Cork City was vexed with the proposed tribunal. Well, he (Major Nolan) also was vexed with the tribunal; but he would say this—that there was not the slightest chance of their making any bad railways; and, therefore, he did not attach so much importance to the objection, except that he thought it would tend to narrow the scope of the Bill and prevent its being put into operation. The fact was, that the tribunal would be too careful. What he did object to very strongly was the incidence of the taxation; and if some of the Amendments on the Paper were not carried, it might be a question whether they should not reject the whole scheme. He thought it would be most disgraceful to put the whole charge on the ratepayers and the tenants; but there was every opportunity, by Amendments, to change the incidence of taxation, and to put it partly on the landlord and partly on the tenant. The Government would not be able to maintain the position of putting it all upon the tenant, and, consequently, they would have to come forward with some proposition to divide it. For these reasons he was most anxious that the clauses should not be postponed, and that they should be now discussed, and amended in the course of the discussion, which he believed was perfectly possible. He did not even object to the baronies, provided the taxation was amended. The baronies were not such a good machinery as he desired, but still they would be very good. At the

same time, if means were wanted for making those branch railways, which would very nearly pay, he knew very well that it would be doing a very dangerous thing if the schemes were not sent to the Boards of Guardians. The hon. Member for Cork City spoke for himself and his Colleagues; but the Committee would remark, at any rate, that the two Members for Galway, the largest county in Ireland, were both anxious for the clauses in question.

MR. SYNAN rose to Order, and inquired of the Chairman, whether the hon. and gallant Member for Galway (Major Nolan) was in Order in discussing the clauses on a Motion to report Progress?

THE CHAIRMAN ruled that the hon. and gallant Member would not be in Order in discussing the details of the clauses; but as the Motion to report Progress was, practically, for the postponement of those clauses, he could not say that the hon. and gallant Member was not in Order in speaking of their general principle.

MAJOR NOLAN said, he was very sorry that the hon. Member for Limerick (Mr. Synan) should try to limit discussion on those very important clauses. If hon. Members meant to reject them, let them do so, and take the whole responsibility; and if his county spoke to him afterwards about the railways, he would say—"I will do my best; but certain Members, like the hon. Member for Limerick (Mr. Synan), prevented our even having a discussion on the subject." Then the responsibility would not rest upon himself and his hon. Colleague. As to the Motion before the Committee, he thought it would be discreditable to the Irish Members to report Progress, and he hoped the Motion would be withdrawn.

MR. R. POWER said, he should be very sorry to divide the Committee. He was anxious that the Bill should go through; and if the right hon. Gentleman would only let them adjourn for an hour and a-half until 9 o'clock he would be satisfied. He did not know whether the right hon. Gentleman himself had dined. [MR. W. E. FORSTER: No.] Well, it was a very convenient system not to dine, and he only wished some of his hon. Friends would get into the habit.

THE CHAIRMAN pointed out that it would not be in Order for the Committee to adjourn.

MR. R. POWER thought if they reported Progress, and the Committee temporarily adjourned, the right hon. Gentleman (Mr. W. E. Forster) would find that it really facilitated the passage of the Bill. They would all come back refreshed and in much better spirits, and prepared to sit until 7 o'clock in the morning.

MR. W. E. FORSTER hoped the hon. Member would not persist in the proposal for adjournment. He had never heard of its being done in that way, and he did not know that they would be able to do it. He could not consent to do it, and if he did, he was not sure he would get the Committee together again. He must remind the hon. Member that that was not the first debate—he might say it was not the five hundredth debate—in which there had been a great deal of interest, and in all previous instances hon. Members managed to go out and get their dinners. He believed he was the only person who was in any real difficulty, because he was bound to stop and look after the Bill. He did not think it would look well in Ireland if they had to stop because Irish Members wanted their dinners.

MR. WARTON said, he was extremely anxious to put it to the right hon. Gentleman as earnestly and forcibly as he could that he should persevere with his Bill, and that he should proceed with it in its proper order. He was anxious to support the right hon. Gentleman in doing so. He thought it was a matter of the very highest importance, on general principles, that when Business was to be done it should be done in a business-like and regular manner; and the result of taking clauses out of their order was that hon. Gentlemen who had Amendments could not tell when they might come on. He (Mr. Warton) had no Amendments; but there were his hon. Friends the Members for Coleraine (Sir H. Hervey Bruce) and Leitrim (Mr. Tottenham), to say nothing of others, who had Amendments on the 3rd and 4th clauses of this Bill. Moreover, going beyond general principles, he attached special importance to the arguments of the hon. and gallant Member for Galway (Major Nolan), and quite agreed with them.

Having the interest of Ireland at heart, he was anxious that railways should be promoted as well as fishery piers; and the reason why he put it very strongly to the Chief Secretary for Ireland was that the right hon. Gentleman seemed to him to be fascinated by the hon. Member for Cork City (Mr. Parnell), who seemed to have a power over him that no other hon. Member had. It was quite clear that the hon. Member for Cork City did not want the railway scheme at all; and it seemed to him (Mr. Warton), if he might say so, with great respect, to show weakness on the part of the right hon. Gentleman to yield to the hon. Member in that respect. He (Mr. Warton) thought he was justified in saying that, because a very ominous expression had fallen from the lips of the right hon. Gentleman, who said that he would not imperil the Bill for those clauses, because the hon. Member for Cork City, as the right hon. Gentleman knew, intended to obstruct their passing. Personally, he (Mr. Warton) was quite willing to sit any length of time to help Ireland, to whom he wished full justice done.

MR. PARNELL said, he must confess he would like to find some way of carrying the Motion without going to a division. The right hon. Gentleman the Chief Secretary for Ireland seemed to think that no one but himself was dinnerless; but he (Mr. Parnell) could assure the right hon. Gentleman that many of them had had nothing to eat since breakfast. He would not press that argument, because he thought all the Irish Members were very ready to vote fasting; in fact, Irishmen were generally understood to be able to fight without anything to eat, whilst Englishmen and Scotchmen always required to be well fed. But as regarded those two clauses, he really thought it would be a great waste of time going into them that night. As the right hon. Gentleman had said, the fishery piers and his own proposal of grants to Boards of Guardians were, in his opinion, the only important parts of the Bill.

MR. W. E. FORSTER remarked, that he did not give that as his opinion.

MR. PARNELL said, he was quite aware that the right hon. Gentleman did not. He only gave it as his own opinion. Although he did not think it was a very wonderful concession to have the option of giving to the people of

Mr. Warton

Ireland £200,000 of their own money, when they were going to give £1,500,000 of their own money to the landlords, still, of course, it was a concession, and he was happy to admit it. However, since the 3rd and 4th clauses—which he was really not clear that they ought to have come into any relief of distress Bill, and which would take an enormous deal of time to lick into shape—if, indeed, they could be licked into shape, which he very much doubted—since those clauses were to be postponed, he was, personally, perfectly willing to go on with the Bill for any reasonable time; and perhaps, under those circumstances, the hon. Member for Waterford (Mr. R. Power) would reconsider his Motion.

MR. CALLAN hoped the Bill would be entirely finished that night. Other hon. Gentlemen besides the hon. Member for Cork City (Mr. Parnell) had been there all day and had not dined; and he wished to point out that with the tactics pursued by hon. Gentlemen opposite, the only chance of getting the Bill through that night was to go at it in a workmanlike manner, and to keep at it until it was passed. He was not a general supporter of the Government—quite the contrary—but as a Irish Member—as deeply interested in his country as any hon. Gentleman present—as the Chief Secretary for Ireland had shown an anxiety and a laudable desire to aid in passing this Bill, at great trouble to himself, he did hope that the right hon. Gentleman would have his efforts crowned with success, and all the Irish Members should certainly remain to aid him until midnight.

MR. R. POWER said, that after the appeal which had been made to him by the hon. Member for Cork City (Mr. Parnell) he did not feel justified in pressing his Motion. He was sorry the debate could not be adjourned; but, of course, he deferred to the feeling of the Committee, and he hoped they would sit until the Bill was carried, if it should be 3 o'clock in the morning. After he had had a little refreshment, he would be prepared to sit until the Bill was passed, and he hoped every hon. Gentleman present would do the same. He would now ask leave to withdraw his Motion.

Motion, by leave, withdrawn.

Question put, "That Clause 3 be postponed."

MAJOR NOLAN said, he would not object to that, provided Clause 4 were proceeded with.

Question agreed to.

Question put, "That Clause 4 be postponed."

MR. W. E. FORSTER observed, that it would be foolish to discuss this clause after postponing Clause 3.

MR. DALY said, he was in favour of the principle of those clauses, and was willing to sit until 3 o'clock, if there was any prospect of a settlement. At the same time, he thought they should be postponed, because he quite coincided with the views of the right hon. Gentleman the Chief Secretary for Ireland as to the more imperious necessity for carrying the other portions of the Bill. After that was done, if the hon. and gallant Member for Galway required assistance to carry the 3rd and 4th clauses, he would be quite prepared to sit with him all through the night and the next day.

MR. A. M. SULLIVAN hoped the clauses would be postponed, in order that they might, if possible, carry the Bill that night; but he should join the hon. and gallant Member for Galway (Major Nolan) in support of those clauses which, in his humble opinion, might be the means of affording considerable relief, by way of employment, that might also be really of enduring service long after the memory of the distress had passed. Railways constructed under those clauses would shower benefits upon the agricultural population. There could be no greater advantage to an agricultural community than to provide them with facilities of transit which would bring their produce into the neighbourhood of quicker markets. A farmer would find his produce worth much more if he had a railway station near his farm. Therefore, he hoped the Committee would make the utmost possible progress with the Bill.

MAJOR NOLAN would assent to the postponement under protest; but when the clause came on he intended to move that the Poor Law Unions be inserted to the exclusion of the baronies.

THE CHAIRMAN said, the hon. and gallant Gentleman was not in Order in

discussing the details of the clause on a Motion for its postponement.

MAJOR NOLAN said, his objection to the clause was that it was based on obsolete, re-actionary, and unfair principles, and showed ignorance of the present state of public opinion in Ireland. He pressed upon the Government to consider the necessity of equalizing taxation under the clause.

MR. W. E. FORSTER said, that he thought the remarks which had been made by the hon. and gallant Member for Galway (Major Nolan) showed that there was some reason for postponing the clause. As far as the Government were concerned, this discussion, though it was somewhat irregular, had not been without advantage. It had enabled him to find out the opinions of various hon. Members. This was a matter on which to consult the feelings of the Irish Members. He, therefore, thought it would be advantageous to have an opportunity of discussing the question before the clauses came on; and, consequently, he had rather altered his views about carrying them that night.

MR. BIGGAR thought that if the clauses in their present shape could be discussed, the Government would be satisfied that it was perfectly impossible to pass them in any reasonable time. There was an enormous difference of opinion among the Irish Members on the clauses generally, as well as on the details, and it would require at least two or three Sittings of the House to pass them. He thought, therefore, the best way would be to postpone them *sine die*, and not let them hear any more about them.

MR. LEA said, his constituents felt very strongly on the matter. They had been looking forward to those clauses as one means of advantage in the coming winter. He was ready to help the Government in passing the Bill; but he must protest against those clauses being postponed with a view to their abandonment.

MAJOR NOLAN said, he also objected to their postponement *sine die*, and thought the hon. Member for Cavan (Mr. Biggar) should put his views more fully before the Committee, in order that other hon. Members might have an opportunity of repudiating them. He was quite willing to yield to the Government; but was very anxious that

those clauses should not be postponed with an intention of quietly killing them afterwards. Of course, he could not object to their being killed, if they were to be killed; but he wanted it done in a proper fashion.

MR. W. E. FORSTER said, he should like to make a suggestion to hon. Members who were interested in those clauses. He should be very glad to meet them, and to find out what alterations they thought should be made. Of course, he could not say beforehand that he would consent to those alterations. It was possible, however, that if hon. Members were in favour of those clauses, and could agree as to how they thought they should be placed before the Committee, they might be able to get them through without the difficulty which would evidently otherwise arise.

MR. A. MOORE thought the Committee should be satisfied with the answer of the right hon. Gentleman, who had made a very proper proposal. He only wished after what had been said by other hon. Gentlemen to put his opinion on record that those clauses were of the greatest possible value. His constituents were most anxious for them; and, putting aside questions as to machinery and so forth, he regarded the main principle as extremely valuable.

Question agreed to.

Clause 5 (Powers of Board of Works).

MR. A. M. SULLIVAN said, that in the absence of the hon. and gallant Member for Leitrim (Major O'Beirne) he would move in page 3, line 13, to leave out "thirty" and insert "sixty." The object was to increase the sum proposed to be given for the purposes of fishery piers.

THE CHAIRMAN said, it was out of Order for a private Member to move to increase the grant proposed to be given out of public moneys by this Bill. Such increase could only be proposed by a Minister of the Crown.

MR. W. E. FORSTER believed that was the case. He therefore begged to move that "forty-five" be put in the place of "thirty." When the latter sum was first decided upon, it seemed to him to be the sum required to build piers in the most distressed districts, and where they would do most good; but it had been found desirable to increase it to £45,000, in order that they might

take advantage of all the money so generously granted by the Canadian Government. He did not expect hon. Members to say they were satisfied, and that that sum would meet the requirements of all the distressed districts; and however much might be proposed, he dared say they would feel justified in asking for more. But this was a considerable advance, and he believed it would do very great good.

Question, "That 'thirty' stand part of the Clause," put, and *negatived*.

Question proposed, "That 'forty-five' be inserted."—(*Mr. W. E. Forster.*)

MR. ARTHUR O'CONNOR said, the right hon. Gentleman told the Committee that, in the opinion of the Government, £30,000 represented what would be likely to be wanted before they had any information, or before they took any steps to meet the grant from Canada. [Mr. W. E. Forster explained that he did not say that.] He could only say that if the Government had information about the Canadian grant they must have been sadly wanting in arithmetical ability not to have arrived at a fairer figure.

MR. W. E. FORSTER said, what he said was that they fixed the sum of £30,000 at first, because they thought it would meet those piers for which there was the most urgent necessity.

MR. ARTHUR O'CONNOR did not wish to misrepresent the right hon. Gentleman; but it did seem strange to him that when the Canadians had given £10,000, the Government should have proposed to give only £30,000. At any rate, they knew that from outside sources there was a fund of £15,000 now available, which, treated as a fourth of the entire expenditure, would leave a balance of £45,000 to be supplied from Imperial funds. That was supposing that no contribution whatever was to come from Ireland for fishery purposes. It was supposed, in fact, that the example of the Canadians would not be met by anyone in Ireland. It seemed to him that it was an entirely gratuitous assumption on the part of the Government; and he wished to point out that this clause, and, in his opinion, the whole Bill, was a thorough sham. The Bill, in its entirety, was a sham, and any portion of it was a sham. It was a

Major Nolan

sham in the first part regarding advances to landlords; and he was convinced that it was a sham with regard to those clauses which even the right hon. Gentleman himself proposed to throw overboard now.

MR. W. E. FORSTER said, he must prevent this thorough misrepresentation of what he had said. He had within the last 10 minutes distinctly stated that he did not intend to throw these clauses overboard; and, therefore, it was most unfair of the hon. Gentleman to say so.

MR. ARTHUR O'CONNOR said, the right hon. Gentleman, at any rate, told the Committee that he was not going to imperil the Bill for the sake of those clauses; and if that did not amount to much the same thing as throwing the clauses overboard he (Mr. O'Connor) did not know what did. Now the Government proposed, in the third portion of the Bill, to allocate the sum of £45,000 for the purposes of the establishment or repair of fishery piers in different parts of Ireland; but what in reality did that amount to? They knew that for years a sum of £5,000 had been taken in the Estimates for that very purpose; and the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) had, on a previous occasion, informed the House that, in order to provide for the funds referred to in this Bill, the annual grant was for some years to come to be suspended—in other words, that money which otherwise would have been spread over several years was swept up into one heap, and placed as a total in this Bill, and under the provisions of this Bill it was to be distributed over piers in different parts of the Island. Anyone who was conversant with the history of the establishment of these piers knew that there was hardly any kind of work that was more slow or more liable to frequent and long interruptions; and the noble Lord himself, if he chose to consult those channels of information which were open to him, would find plenty of ground for concluding that it would be impossible to do all the work that was to be done within the period during which the distress was expected to be most intense. He would find that in works of that magnitude the expenditure would have to be spread over a long time, and that in all probability the practice of sweeping the annual grants into a heap would

have to be reversed by spreading the expenditure over several years. Under all the circumstances, he could not consent to the substitution of the word "forty-five" for the word "thirty," and must, therefore, oppose the Amendment. He would suggest to the right hon. Gentleman that he would much more thoroughly meet the requirements of the case by doubling the amount, or, at any rate, substituting £60,000 for the sum of £45,000.

MR. BLAKE said, that the right hon. Gentleman the Chief Secretary for Ireland (Mr. W. E. Forster) should know that that £45,000, of which £15,000 was a supplementary grant from independent sources, would not finish more than about 20 harbours in the distressed districts. That was positively the fact, so that out of 35 harbours in those districts which should be finished as speedily as possible only 20 could be completed. That was only a little more than a third of the number required. They had heard from the right hon. Gentleman the Chief Secretary for Ireland, and the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish), that it was the intention of the Government to give the usual grant for fishery piers; but even if that was done, the total sum would not be nearly enough for the purpose. If the right hon. Gentleman the Chief Secretary for Ireland would consent to the proposed increase of £15,000, he (Mr. Blake) would venture to say that it would have the effect of doing a vast deal of good. The money could all be usefully employed, and they might take his word for it that if that additional sum were not granted more than half the harbours in the distressed districts which were absolutely urgently required could not be proceeded with. He earnestly appealed to the right hon. Gentleman not to allow such a sum as £15,000 to stand between the Government and the universal feeling of the Irish Members.

COLONEL COLTHURST said, that he understood that on that fishery question his hon. Friend (Mr. Blake) was an authority, and he was sure that he had not represented the matter too strongly to them. For his own part, he (Colonel Colthurst) knew that in the County Cork there were 12 piers which urgently wanted assistance, not only as being a means of giving employ-

ment, but also in aid of the fishermen of that district. He had himself, within the last four or five weeks, been in districts—he referred especially to 40 miles of coast—where there was not a landing place where a boat could be drawn up. The districts were barren, and the ordinary means for building those piers were altogether wanting. There was one hard case which he wished especially to bring to the notice of the Committee. That was the case of a pier and harbour of refuge at Ballycotton that was urgently needed. A pier was already built there by the Board of Works; but it did not go far enough into the sea. There was no turning point where fishing boats could get out of the roll of the sea and lie up; and many boats had been wrecked there, not only on coming in, but actually when lying at the pier. He believed that to construct a harbour of refuge there would not cost more than about £10,000, in which both boats and fishing vessels could lie. Application had been made with regard to that pier to the Board of Works; and the answer had been that, as the law then stood, their application could not be entertained. The place lay in the centre of an exceedingly distressed district. He understood that the Guardians had unanimously—or, at any rate, by a large majority—agreed to apply to have the Union scheduled, and their application had been refused, on the ground that the construction of that pier totally excluded them from consideration. Therefore, he would earnestly appeal to his right hon. Friend that he would consider the advisability of granting that £15,000 in aid of that Vote; and that such works as those at Ballycotton, to which he had alluded, might be taken into consideration in preference to others which lay in districts which were not absolutely entitled to be termed distressed districts.

MR. W. E. FORSTER said, that in answer to the hon. and learned Gentleman opposite (Mr. A. M. Sullivan), who had appealed to him, it appeared to him (Mr. W. E. Forster) that they thought he had the key of the Treasury. He had not got it, and he would inform the hon. and learned Member that it was not his (Mr. Forster's) money that he was asking for, but the money of the people, which was to be raised by taxation. He must state that he did not think the Government could increase the grant. In so doing, they would be acting quite con-

trary to all precedent, and nothing but a very strong case would induce them to allow of an increase. He must honestly say that he thought the authorities had done quite right in being reluctant to give public money in such an unprecedented way. He was perfectly sure that it was not in his power to increase the Vote, and if the Amendment was proposed he should be in favour of the Vote remaining at £30,000.

MR. T. P. O'CONNOR said, he wished to say a few words, as he was deeply interested in that question. He thought that the grant was utterly insufficient, and he would call the attention of the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) to the fact that before long £40,000 would be required for a harbour at Galway. It was not, he knew, a fishery harbour; but that sum alone amounted to within £5,000 of the Vote they now were to receive. With regard to what fell from the right hon. Gentleman the Chief Secretary for Ireland, he would beg to say that the grant of Imperial money for local harbours was not altogether so unprecedented as he wished to make out. Imperial money had been given to matters partly Imperial and partly local before then; and, as that money would go to assist in the construction of harbours of refuge, it was necessary, he thought, that Imperial as well as local funds should contribute. He understood from the hon. Member for the County of Waterford (Mr. Blake), who was the highest authority upon that subject, that according to the present system the power of giving money for fishery piers was, practically considered, rather decreased than increased, and that heavier conditions were to be required from those making applications than were required before. He thought the grant might well be increased to £60,000. The right hon. Gentleman the Chief Secretary for Ireland (Mr. Forster) had stated that he had not the key of the Treasury; but he (Mr. T. P. O'Connor) understood that the noble Lord the Secretary to the Treasury had it. He would suggest that the way out of the difficulty was to grant the £45,000, and also continue the annual grant of £5,000.

LORD FREDERICK CAVENDISH said, that the proposals of the Government had been spoken of as a sham; he

must say that he could not regard it in that light. That was an epithet that could hardly with propriety be applied to any Supplemental Vote. Whether or no the hon. Member for Queen's County (Mr. Arthur O'Connor) was right in characterizing the Bill as a sham, there could be no doubt that contributions were to be paid in aid of local works. With regard to the remarks of the hon. Member (Mr. T. P. O'Connor) who had just spoken, as to a single harbour absorbing the whole sum, he would beg to point out to him that the money for fishery piers was limited to comparatively small works, and would not be employed for piers for shipping and such larger craft. For that reason they did not see why the Vote should be increased to £45,000. He was not prepared to say that in the present state of the Exchequer the amount could be increased. It was intended, however, to continue the usual grant of £5,000.

MR. PARNELL said, it appeared from the remarks of the noble Lord (Lord Frederick Cavendish) that the Treasury would be threatened with bankruptcy in case that grant were increased to £45,000. That only showed to what desperate devices hon. Gentlemen might be driven in order to avoid any increase of expenditure. He did think that such a sum as £45,000 was a poor miserable sum considering what was required to be spent on the West Coast of Ireland. The Inspectors of Fisheries had recommended that some harbours should be built. They asked for that purpose for a Vote of £45,000, and £15,000 was to be given by Canada and Liverpool, making a total of £60,000, and that was all that could be obtained, in order that the fishermen might reap the magnificent harvest that Providence sent them. As a measure for the relief of distress it was equally miserable. He was sorry that the noble Lord the Secretary to the Treasury had not seen his way to be more generous in that matter. £45,000 was a poor contribution out of the Exchequer for the relief of distress. It was not what they might have expected from a great country, and he thought that they should have received a sum equal to the emergency—say £100,000. It would not ruin England to give a grant of that kind, and the advantage and benefit of it to the poor fishermen on the Western Coast of Ire-

land would render them perfectly satisfied. Upon studying the question he had become so convinced of the great necessity that existed for a larger sum of money to be expended that he had placed upon the Notice Paper, the previous night, a new clause, in order to enable the sum of £250,000 to be given for that purpose out of the Church Surplus Fund, and he hoped that when the time came for considering that clause the right hon. Gentleman the Chief Secretary for Ireland (Mr. Forster) would see his way to agree to it. He knew of no purpose to which the Church Surplus Fund could be better put than in national works of that kind, and thus to improve the industrial resources of the country, and increase the wage-earning power, and so relieve those who were then dependent upon relief Committees for their daily bread. He had merely referred incidentally to his own clause, which he hoped to introduce. Looking at the history of the distress in Ireland, he was afraid to think what the state of things would have been had it not been for the magnificent contributions they had received from the United States and far-off Australia. He trusted that the Government would not limit their contributions to the miserable grant of £45,000.

MR. BLAKE said, he had heard the opinions of the right hon. Gentleman the Chief Secretary for Ireland with regard to that matter; but he could adduce very strong claims for assistance in the matter of piers and harbours. Fifty years ago a Bill was passed in that House to abolish the grant of £5,000 for harbours in Ireland; but it continued the contribution of £3,000 which had been paid to Scotland. The grant was removed from Ireland, and continued to Scotland, which he believed at the present time did not want a single harbour. Since the Act of Union, Scotland had obtained £1,500,000 more than Ireland for fisheries; and until a very few years ago Scotland received £7,000 over and above the sum granted to Ireland for the same purpose. It would be a mistaken policy on the part of the right hon. Gentleman and the noble Lord—for if the right hon. Gentleman had not the key of the Treasury the noble Lord had it—not to sanction the £15,000 additional being given. The right hon. Gentleman had sufficient information

before him to know that not a third of the harbours could be completed with the proposed sum. There were four harbours in his (Mr. Blake's) own county, for which nothing could be done on account of lack of funds. Money was urgently needed to enable the unfortunate people living along those coasts to obtain a livelihood. If those harbours were not completed, the right hon. Gentleman might depend upon it that, on a future occasion, they would have to come before the House and ask for a larger grant to relieve the necessity of the population. He hoped, therefore, that he would be induced to increase the grant to £60,000.

MR. WARTON said, that as an English Member who viewed with the greatest concern some of the revolutionary schemes of the Government for confiscating property in Ireland, and who disagreed with that policy, he should wish to say a few words on that occasion in behalf of Ireland. He thought that, instead of confiscation and revolutionary measures, the best English policy was to develop the material resources of that country; and he must say that, for developing such resources as the railway system and fisheries, the sum under discussion appeared very small indeed. He earnestly hoped that the right hon. Gentleman the Chief Secretary for Ireland, who was very often squeezed to a considerable extent, would give what was a fair and legitimate sum for that purpose. He asked him, as the Minister of the Crown then present, to acquiesce in what had fallen from two different Irish Members of Parliament—namely, that £60,000 was required, and to grant that Amendment. He (Mr. Warton) could not agree with what had fallen from the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) as regarded the state of the Imperial Exchequer. Certainly, with the present Chancellor of the Exchequer and the Budget that had been laid before them, they could, he believed, well afford to part with some of the income they were sure to have. In all probability, the arrangements were intended to produce a larger sum to the Exchequer than they were told of. The calculations were, no doubt, arranged so as to produce a considerable surplus in order that they might look with astonishment at the wonderful financial ability of the Chancellor of the

Exchequer. He was perfectly certain that with such a noble purpose a supplemental grant would not be out of the way.

MAJOR NOLAN said, he hoped that as the appeal for an additional £15,000 had the support of the whole of the Conservative Party present in the House, the right hon. Gentleman the Chief Secretary for Ireland would not be hard-hearted, but give way on the point.

MR. W. E. FORSTER said, they had been charged with hard-heartedness, and their generosity had been appealed to. But it was absurd to talk of hard-heartedness in the matter; what they had to consider was the general requirements of the Public Service and the interests of the country all round. It was quite an exceptional thing to make a grant at all, more so one of £30,000, and still more so to be asked to increase it afterwards to £45,000. He must repeat to the Committee that he did not think it possible to go any further than the sum they had stated. He was bound to state that £45,000 was what they had been asked for, and probably if they had granted £60,000 they would have been asked for £80,000, and if they had given £80,000, hon. Members would have asked for £100,000, and so on. There had been a good deal of talk about different harbours about the country; but that was not the object which had been brought before the Government. It was the case of the stormy West Coast, where fishing was the only alternative occupation, and they were asked that small harbours might be constructed. He would not put his information against that of the hon. Member for Waterford County (Mr. Blake); but they had acted on the testimony of the Fishery Department, and several piers were expected to be made at a small cost. No doubt a great deal was required to be done; but it could not all be done under that Act. It was impossible, by the present measure, to develop the resources of Ireland. When that was done, it ought, he thought, to be done by loan and not by grant. He was sorry that what they had done was referred to as being miserable. The only reply he could give to that was, that it was not their own money they were dealing with, but they were the trustees of the money of the public. He never expected to get much thanks for the grant, if any. There

Mr. Blake

was no reason why they should be thanked for doing what was best, considering the balancing of the claims of all concerned, and the exceptional circumstances of the case. He believed that the £40,000 they had, or even the £30,000 of the grant, would give a good number of cottiers in those distressed districts employment, and they had apparently nothing to do at present but miserable cultivation—no alternative employment whatever.

MR. DALY said, they ought to bear in mind the circumstances under which the grant was given. They might be told hereafter that when the question was raised they had not stated that £45,000 would be insufficient. That sum of £45,000 consisted partly of £10,000 from Canada, and £5,000 from Liverpool, making together £15,000. If he understood the noble Lord (Lord Frederick Cavendish) rightly, he had said that, in case those contributions were by any means diminished, the Government would increase their grant in proportion. Could he not see his way to making the increase without that diminution taking place? They only asked for a sum of £15,000, which represented only £450 a-year. The whole question was a paltry one, and he trusted the Government would see their way to yield to the wishes of Irish Members with regard to it.

Question put, and *agreed to*; words *substituted* accordingly.

MR. BLAKE moved as an Amendment, in page 3, line 21, after "eighty," to insert "one."

LORD FREDERICK CAVENDISH said, the special object of the Government in inserting the date 1880 was to give immediate relief; but he would not object to the Amendment.

Amendment agreed to.

Clause, as amended, *agreed to.*

Clause 6 (Terms upon which Commissioners may undertake works).

MR. BLAKE, in moving, as an Amendment, in page 3, line 26, to leave out from "Commissioners" to "Commissioners," in line 35, and instead of "Commissioners" insert "they," said, he wished to draw the attention of the Committee to that and the following

Amendment which he had on the Paper. If the clause were agreed to as it stood, not a single harbour would be erected on the West of Ireland, or anywhere else. The local contributions, being a fourth of the whole cost, were raised with the greatest possible difficulty. These districts were distressed districts, and it was not easy to raise the necessary amount. The conditions, as put in this 6th clause, amounted to this—that in the event of the estimate formed by the engineer of the Board of Works falling short of the sum required for completing the work, the locality must undertake to give their proportion, or a fourth of whatever might be in excess. Supposing the estimated sum for a harbour was £2,000. The engineer had gone down, and made an examination, and said that was the sum required. The Board of Works gave £1,500, and the locality raised £500 by local contributions. There was a condition of that character at present; but the locality was not bound to any sum in excess. The work might come to £3,000 or £4,000, and with the condition compelling the excess sum to be contributed locally in proportion, it would be hopeless at present to get the conditions complied with. It was hard enough to get the fourth, as calculated in the first instance. What he wished was, that when an engineer officer of the Board of Works went down, and made an inspection, in the event of the work not being completed for the estimated sum, the excess should be drawn out of the Consolidated Fund. As it stood at present, so far as the piers and harbours on the West of Ireland were concerned, the Bill was not worth the paper it was printed on. From his experience as a Fishery Inspector, he knew that the localities would not bind themselves to a fourth of whatever the excess over the estimate might be. He asked the noble Lord (Lord Frederick Cavendish) and the Chief Secretary for Ireland to ponder well on what he said, and, if necessary, to suspend the clause until they had communicated with the Fishery Board in Ireland; and if they did not confirm what he said he would withdraw his opposition to the clause.

LORD FREDERICK CAVENDISH said, he fully admitted that, with this provision, there would be great difficulty in the way of immediate expenditure of this money. He was willing to with-

draw the words, and accept the first Amendment, but not the second. If it was found that the actual cost was likely to exceed the original estimate, then the matter would stand over for consideration. The object of the hon. Member would be attained if he (Lord Frederick Cavendish) consented, as he now did, to the withdrawal of those words.

MR. PARNELL said, what would be the effect of adopting the first Amendment and not the second one? It appeared to him, in that case, the work would be stopped, and not proceeded with.

MR. BLAKE said, as the law stood at present, if the estimate amounted to £2,000, and the proposal of a contractor to £3,000, it was optional for them to say that they would go on or not; but as the clause stood it was compulsory. His subsequent Amendment was to the effect that when the Board of Works engineer estimated the cost, and it was found when the work was proceeded with that an extra sum would be needed, then that sum would be borne by the Board of Works. If they made a blunder, it was right that the sum needed should come from them.

Amendment agreed to.

MR. BLAKE, in moving a further Amendment, in page 3, line 40, after "that," to leave out to end of paragraph in page 4, and insert—

"In any case where the actual cost shall exceed that estimated by the Engineer of the Board of Works, then the entire of such excess shall be defrayed out of any moneys placed at the disposal of the Commissioners by Parliament for the making of loans or grants,"

said, it was a very reasonable proposal. As Inspector of Fisheries, he had recommended harbours to be made, and got the parties to raise the sum originally estimated; but it was found that the contractors estimated higher, and numerous useful works had, in consequence, to be abandoned. In the present impoverished state of the country that was more likely to occur than ever. The works were of a very simple character, and required no great engineering skill to calculate the cost; and if reckless calculations were made the cost should come from the Board of Works. If the proposal was not acceded to, a great deal of the good intention of the Bill would be destroyed.

Lord Frederick Cavendish

MR. RAMSAY said, he hoped, before the right hon. Gentleman acceded to the Amendment, he would consider the source from which the money, if it was required in consequence of the error of the engineers, was to be drawn. The hon. Member for Waterford (Mr. Blake) had no care of the interests of the taxpayers of Great Britain. It was said that the money for the relief of the Irish distress was to be taken from the Irish Church Surplus Fund. For that very reason, the matter had received less consideration on the part of the Members for Great Britain than it would have done if the money was to be taken from the Consolidated Fund; but the proposal now before them was to take from an Imperial fund the money required for works in Ireland, as to the value of which there was room for diversity of opinion; and he conceived it would be necessary to pause before granting the principle of this Amendment, which would impose a burden upon the taxpayers of this country without regard to their wants and wishes. He protested against the adoption of the Amendment, and he hoped the right hon. Gentleman would not accede to it. He had listened with great interest to the discussion that had taken place, and had heard, with pleasure, the persistent efforts of hon. Members opposite to get money for purposes which might be of use to the people of Ireland; but when they came to ask for money which would come out of the pockets of people living on the West Coasts of Great Britain, where harbours were as much needed as in Ireland, he thought it was requisite to pause. There was a point beyond which the Members for Scotland and England could not be expected to go.

MR. BARRY said, unless this Amendment was adopted by the Committee, the whole clause would be, to a large extent, practically inoperative. There was the keenest distress in this part of the country, and he was quite sure the prospect of a large and indefinite expenditure would deter any expenditure whatever. The Government ought to consent to the Amendment. If the Government Inspector sent down to make an estimate made a serious blunder, and fell short by some thousands of the amount required, it was a hard case that an impoverished district had to contribute to meet a portion of the blunder.

same time, if means were wanted for making those branch railways, which would very nearly pay, he knew very well that it would be doing a very dangerous thing if the schemes were not sent to the Boards of Guardians. The hon. Member for Cork City spoke for himself and his Colleagues; but the Committee would remark, at any rate, that the two Members for Galway, the largest county in Ireland, were both anxious for the clauses in question.

MR. SYNAN rose to Order, and inquired of the Chairman, whether the hon. and gallant Member for Galway (Major Nolan) was in Order in discussing the clauses on a Motion to report Progress?

THE CHAIRMAN ruled that the hon. and gallant Member would not be in Order in discussing the details of the clauses; but as the Motion to report Progress was, practically, for the postponement of those clauses, he could not say that the hon. and gallant Member was not in Order in speaking of their general principle.

MAJOR NOLAN said, he was very sorry that the hon. Member for Limerick (Mr. Synan) should try to limit discussion on those very important clauses. If hon. Members meant to reject them, let them do so, and take the whole responsibility; and if his county spoke to him afterwards about the railways, he would say—"I will do my best; but certain Members, like the hon. Member for Limerick (Mr. Synan), prevented our even having a discussion on the subject." Then the responsibility would not rest upon himself and his hon. Colleague. As to the Motion before the Committee, he thought it would be discreditable to the Irish Members to report Progress, and he hoped the Motion would be withdrawn.

MR. R. POWER said, he should be very sorry to divide the Committee. He was anxious that the Bill should go through; and if the right hon. Gentleman would only let them adjourn for an hour and a-half until 9 o'clock he would be satisfied. He did not know whether the right hon. Gentleman himself had dined. [MR. W. E. FORSTER: No.] Well, it was a very convenient system not to dine, and he only wished some of his hon. Friends would get into the habit.

THE CHAIRMAN pointed out that it would not be in Order for the Committee to adjourn.

MR. R. POWER thought if they reported Progress, and the Committee temporarily adjourned, the right hon. Gentleman (Mr. W. E. Forster) would find that it really facilitated the passage of the Bill. They would all come back refreshed and in much better spirits, and prepared to sit until 7 o'clock in the morning.

MR. W. E. FORSTER hoped the hon. Member would not persist in the proposal for adjournment. He had never heard of its being done in that way, and he did not know that they would be able to do it. He could not consent to do it, and if he did, he was not sure he would get the Committee together again. He must remind the hon. Member that that was not the first debate—he might say it was not the five hundredth debate—in which there had been a great deal of interest, and in all previous instances hon. Members managed to go out and get their dinners. He believed he was the only person who was in any real difficulty, because he was bound to stop and look after the Bill. He did not think it would look well in Ireland if they had to stop because Irish Members wanted their dinners.

MR. WARTON said, he was extremely anxious to put it to the right hon. Gentleman as earnestly and forcibly as he could that he should persevere with his Bill, and that he should proceed with it in its proper order. He was anxious to support the right hon. Gentleman in doing so. He thought it was a matter of the very highest importance, on general principles, that when Business was to be done it should be done in a business-like and regular manner; and the result of taking clauses out of their order was that hon. Gentlemen who had Amendments could not tell when they might come on. He (Mr. Warton) had no Amendments; but there were his hon. Friends the Members for Coleraine (Sir H. Hervey Bruce) and Leitrim (Mr. Tottenham), to say nothing of others, who had Amendments on the 3rd and 4th clauses of this Bill. Moreover, going beyond general principles, he attached special importance to the arguments of the hon. and gallant Member for Galway (Major Nolan), and quite agreed with them.

Question, "That Clause 9 be postponed," put, and *agreed to*.

Clause 10 (Interpretation).

MR. W. E. FORSTER, in moving, as an Amendment, to add the following words in page 5, line 17:—

"The term 'scheduled union' means a Poor Law Union, which, or any division of which, was comprised in any Schedule published by the Commissioners of Public Works in the 'Dublin Gazette' as a union or division in which loans might be made in accordance with the notices of the said Commissioners dated the twenty-second day of November one thousand eight hundred and seventy-nine and the twelfth day of January one thousand eight hundred and eighty,"

said, he moved the addition of these words to define the meaning of the term "scheduled Unions." It was necessary to put in that definition.

MR. CALLAN said, he had hoped the right hon. Gentleman would have continued the discretion of the Local Government Board, and not have confined the Bill to the Unions which were scheduled several months ago, because since then distress had arisen in other Unions, and more accurate information could now be obtained. He thought they should give the Local Government Board full power to name the Unions.

MR. W. E. FORSTER thought that, considering what the Committee had done in the earlier part of the evening, they ought to take the same definition here as there. He would withdraw the Amendment, and define the Unions in the same manner as they had been defined by previous Amendments.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Question, "That the postponed clauses be postponed until after the new clauses have been considered," put, and *agreed to*.

MR. W. E. FORSTER moved, as an Amendment, in page 5, after Clause 9, to insert the following Clause:—

(Amendment of terms of loans to boards of guardians.)

"The fourth and fifth sections of 'The Relief of Distress (Ireland) Act, 1880,' shall be amended, so far as relates to scheduled Unions, as follows (that is to say):—

"(1) The term for which money may be borrowed by the board of guardians of any scheduled union shall be extended to twelve years. The rate of interest at which the Commissioners of Public Works may lend

to any such board of guardians shall be reduced to one per centum per annum; and, in the case of any loan by the Commissioners of Public Works to any such board of guardians, the payment of the first instalment payable in respect of such loans may, with the consent of the Treasury, be postponed for any period not exceeding two years from the making of the loan, and no interest shall be charged on such loan during any such period of postponement of payment of the first instalment;

"(2) In addition to the purposes specified in the said fourth section as the purposes for which a board of guardians may borrow, any board of guardians which has contracted any loan under the provisions of the said Act may borrow money to pay off such loan;

"(3) So much as may be necessary of the said sum of one million five hundred thousand pounds payable by the Commissioners of Church Temporalities to the Commissioners of Public Works shall be applied by the Commissioners of Public Works in making good any advance by way of loan which they may make to a board of guardians under the authority of 'The Relief of Distress (Ireland) Act, 1880,' upon the terms prescribed by this Act;

"The provisions of the nineteenth section of 'The Relief of Distress (Ireland) Act, 1880,' shall apply to the repayment of all amounts advanced as last aforesaid by way of loan to Boards of Guardians, as fully as if such advances had been specified in that section."

The right hon. Gentleman said, that whereas Boards of Guardians were empowered to give out-door relief, and to borrow money, which the National Debt Commissioners were to lend at the usual terms of 3½ per cent, the Amendment was to enable the Boards to borrow out of the Church Surplus Fund for the same term of years, with an additional two years at no interest, and afterwards interest at only 1 per cent.

New Clause (Amendment of terms of loans to Boards of Guardians) *brought up*, and read a first time.

Motion made, and Question proposed, "That the Clause be now read a second time."—(*Mr. W. E. Forster*.)

MR. GIBSON said, he was not sure that he thoroughly understood the clause. He understood the right hon. Gentleman (Mr. W. E. Forster) to state that it was to enable money to be advanced to Boards of Guardians at 1 per cent out of the Irish Church Surplus; but that was not, he thought, the construction of the clause, taking it altogether. It was to be read, of course, in connection with the Relief of Distress (Ireland) Act, 1880, which

it sought to amend; and that enabled loans to be made to Guardians out of money provided by Parliament. Bearing that in mind, let them read the clause proposed. The clause was divisible into three sub-sections; the first being that the term for which money might be borrowed should be extended to 12 years. That was a general statement; it might be good or bad policy, but he did not dispute it. The second enabled Boards to borrow money to pay off those loans, and he did not question the prudence of that. But then came the 3rd sub-section, which, in no respect, governed or was controlled by the previous sub-sections. It was entirely independent, and might stand or fall by itself. It might be struck out or retained, and would not operate in the slightest degree upon the two previous ones. He should say it was subsidiary and complementary, but not governing. But did the right hon. Gentleman mean to exclude all other resources than the Church Surplus? He apprehended that if the clause were passed, money voted by Parliament would be a source out of which loans might have to be made, so far as it was necessary to supplement this £1,500,000.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the intentions of the clause varied, and applied to any money borrowed for the purposes of out-door relief. He would be prepared to add a word or two to make it clear.

Question put, and *agreed to*.

Motion made, and Question proposed,
"That the Clause stand part of the Bill."
—(Mr. W. E. Forster.)

COLONEL COLTHURST moved, as an Amendment, in line 5, to leave out "twelve" and insert "thirty-five." He admitted that some of the reasons which might induce the Committee to accept the Amendment had been modified by the action of his right hon. Friend (Mr. W. E. Forster) with respect to the proposal of the hon. Member for Cork City (Mr. Parnell); but he (Colonel Colthurst) claimed the credit of having made the proposal when the hon. Member for Cork City moved his Bill for the relief of distress. He (Colonel Colthurst) then suggested that the Boards of Guardians should be the channel through which

relief should be given. He had been denounced in Ireland by the special *protégés* of his hon. Friend opposite, and he supposed those denunciations would now be withdrawn, seeing that the hon. Gentleman had practically adopted his suggestion. In February last he proposed that the same favourable terms as were given to the landlords—namely, loans for 35 years at 1 per cent interest, should be given to Boards of Guardians for purposes of out-door relief, because he had all along felt that the true way to meet this crisis was through the liberal administration of Poor Law relief; but that the Guardians ought to be forced to give out-door relief, and they could not force them to do so unless they gave them liberal terms. The question was, whether, after the concession Her Majesty's Government had made, the Amendment was still necessary. He humbly submitted it was, because, as the hon. Member for Dublin (Dr. Lyons) had pointed out, the £200,000 to be given in grants, as proposed by the hon. Member for Cork City, would go but a very little way. Perhaps it was because he was enamoured of his own suggestion; but he believed that his proposal to advance £200,000 and such further sums as might be found necessary for 35 years at 1 per cent was a better proposal, taking the interest of the poor into consideration, than the proposal of the hon. Member for Cork City, which had been adopted by the Government. However, that was a matter that was done, and he would now ask the Government to accept his Amendment.

MR. W. E. FORSTER proposed to alter the wording of the first sub-section of his clause by omitting the words "scheduled Unions" and inserting the words—

"Any union authorized to give out-door relief under the 3rd Section of 'The Relief of Distress (Ireland) Act, 1880.'"

MR. CALLAN was afraid the words would have a restrictive effect. He wished to leave the Local Government Board full power to extend the provisions of the Act to any Unions in which circumstances might hereafter occur which, in their opinion, justified such extension. He would suggest that the words "scheduled Unions" be left out and not replaced by any other definition, unless it were made to read in this way—"Any Board of Guardians

approved of by the Local Government Board." That would leave the Board perfectly free.

MR. W. E. FORSTER thought the words he had proposed were sufficient. The Poor Law Board had full power to use its discretion with regard to the Unions.

MR. CALLAN said, if the hands of the Board were not tied, he was satisfied; but he should like to know the exact effect of the Amendment. To what Unions would the operation of the clause be restricted?

MR. W. E. FORSTER replied, that it would be restricted to whatever Unions the Local Government Board found it necessary, in consequence of the state of distress, to give out-door relief. It applied to all Ireland upon the discretion of the Local Government Board.

COLONEL COLTHURST said, he would repeat his Amendment.

MR. W. E. FORSTER hoped his hon. and gallant Friend would not press the Amendment. He hoped the Boards of Guardians would be able to get on with the grants; but, if they required loans, he thought it would be better not to have more than the two descriptions of loans now existing and the possible grants. Besides, 35 years was a dangerously long time.

COLONEL COLTHURST said, of course, he would not press his Amendment against the wish of the right hon. Gentleman or the Committee; but he regarded the administration of out-door relief as the real, vital question at that moment, and he wished to induce the Boards to be liberal in giving out-door relief. Therefore, he thought there was quite as good a case for granting loans for that purpose as for sanitary purposes.

Amendment, by leave, *withdrawn*.

MR. W. E. FORSTER said, he understood the point of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) to be that these loans should not be extended to every purpose for which Boards of Guardians might borrow.

MR. GIBSON explained that, in his view, the construction of the clause seemed to supersede the right of borrowing from Imperial funds.

MR. W. E. FORSTER said, that was not the intention. It was intended to

Mr. Callan

confine the clause entirely to loans borrowed for the purpose of out-door relief. He would introduce some explanatory words on the Report.

Amendment (*Mr. W. E. Forster*) *agreed to*.

MR. GIBSON pointed out that a consequential Amendment must be made in the two other sub-sections of the clause, in accordance with the Amendment which the right hon. Gentleman the Chief Secretary for Ireland had proposed, as to the definition of the Unions. If they inserted the words "of any Union as aforesaid" it would make the sections harmonize. He wished to know whether certain Unions which had borrowed money under the old system would have the benefit of the new proposal? He also suggested that in the 3rd sub-section the word "necessary" should be replaced by the word "available;" because it was obvious that they were putting so much on this £1,500,000, that if it were made compulsory to do everything out of it, according to that Amendment, it would be an impossibility.

MR. W. E. FORSTER said, he would accept the words "of any Union as aforesaid." Three or four Unions had already borrowed money since the last Bill, though not to a large extent; and, of course, they would feel themselves in a very unfair position if neighbouring Unions were now enabled to get loans at a cheaper rate. That was the reason why this clause was put in. He moved to omit, in lines 15 and 16, all the words from "in addition" down to "borrow."

Motion made, and Question proposed, "That those words stand part of the sub-section."

MR. GIBSON said, he was not sure that identity of meaning would be accomplished in that way, and would suggest that the necessary alteration of the wording might be done on Report.

MR. W. E. FORSTER said, he would like to get it done now. He would, therefore, move to insert in the same sub-section the words—

"The Board of Guardians of any Union authorized as aforesaid which has contracted any loan under the provisions of the said Act for out-door relief,"

after striking out from "any," in line 16, to "Act," in line 18.

MR. T. P. O'CONNOR said, he understood the right hon. Gentleman had considerably widened the number of bodies entitled to borrow money. He had added to the scheduled Unions all those who had borrowing powers.

MR. W. E. FORSTER said, what he limited the clause to was to those Boards of Guardians who were empowered, in the first place, to give outdoor relief not in accordance with the old provisions of the Poor Law. It was meant to apply to any Board of Guardians throughout Ireland in that position.

MR. T. P. O'CONNOR inquired, if it applied to them whether they were in the distressed districts or not?

MR. W. E. FORSTER said, yes, if by distressed districts the hon. Gentleman meant the Unions hitherto considered as distressed. Of course, the provisions would not apply to Unions which were not distressed. The Act this year made no restriction in any part of Ireland as to the Unions that would give outdoor relief. It was left to the discretion of the Local Government Board. These loans were meant to apply equally to any Union.

MR. T. P. O'CONNOR remarked, that the right hon. Gentleman had by that time discovered that the fact of a Union being scheduled was not a true criterion that it was the only Union in a state of distress. He was informed that hitherto the Unions had been scheduled rather by preference of the local governing bodies than by the prevalence of distress; and he would recommend the right hon. Gentleman to consider whether it was not desirable to add a great many Unions to those already within the scope of the Bill?

MR. W. E. FORSTER said, these questions had not been left out of consideration. He hoped to be able to show why he adhered to some definition of the Unions.

MR. BIGGAR observed, that the right hon. Gentleman seemed to have some doubt of the importance of the question raised by the hon. Member for Galway (Mr. T. P. O'Connor). His own Colleague, who was a native of County Cavan, told him that the Unions had been scheduled in a most absurdly incorrect way. He said the Union in which there had been most distress was not scheduled at all.

Question put, and *agreed to.*

MR. PARNELL moved, in sub-section 2, after the word "money," to insert "under the provisions of this section."

Amendment agreed to; words inserted accordingly.

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."—(*Mr. W. E. Forster.*)

MR. PARNELL said, he wished to move the rejection of sub-section 3.

MR. GIBSON said, he must repeat his suggestion that the word "available" should be substituted for the word "necessary," in the same sub-section. He thought that necessary, because the clause was a mandatory one.

MR. W. E. FORSTER thought it would meet the object of the hon. Member for Cork City if he moved to omit the words "so much as may be."

MR. PARNELL would move to omit those words. It was not necessary to go over the arguments which had already been adduced in favour of placing upon the Consolidated Fund the difference between two rates of interest; but an important alteration had been made by the Amendment of the Chief Secretary. Under the Relief Bill of last Session the money borrowed by Boards of Guardians for the purposes of outdoor relief was borrowed from the Exchequer. It was now proposed to be borrowed from the Irish Church Fund, and to that he objected. He wished to have it borrowed, as it was now, from the Imperial funds.

MR. W. E. FORSTER said, he made this proposition in the hope of meeting the views of hon. Members. He need not go back to a question which had been fully debated, and which had been decided in favour of the public purse. He believed the alteration would not affect the Church Surplus Fund to a large extent, and he hoped the Amendment would not be pressed.

MR. PARNELL asked whether the right hon. Gentleman would agree to this compromise, that the difference in the interest should be borne by the Treasury?

MR. W. E. FORSTER was afraid he could not do that. The amount in question was not large; but he must adhere to the principle which they had laid down.

Amendment proposed, to leave out sub-section (3).—(*Mr. Parnell.*)

Question put,

"That the words 'So much as may be necessary of the said sum of one million five hundred thousand pounds payable by the Commissioners of Church Temporalities to the Commissioners of Public Works shall be applied by the Commissioners of Public Works in making good any advance by way of loan which they may make to a Board of Guardians under the authority of 'The Relief of Distress (Ireland) Act, 1880,' upon the terms prescribed by this Act,' stand part of the Clause."

The Committee divided:—Ayes 65; Noes 32: Majority 33.—(Div. List, No. 40.)

Question again proposed, "That the Clause, as amended, stand part of the Bill."

MR. MITCHELL HENRY said, he wished to call attention to the fact that now that the rate of interest had been lowered at their request, the loans had been transferred from the Imperial Exchequer to that special Irish Fund. That fact ought to be known in its naked truth. It was one of the most monstrous things that had ever been done. The Imperial Exchequer had shuffled everything off itself when it was agreed that the interest should be lowered. They resisted the obligation to assist a starving community, and put it upon the Irish Church Fund.

MR. W. E. FORSTER said, he did not admit the allegation. In agreeing to give loans at a low rate of interest they had adhered to the principle laid down at the outset, that they should come out of this Fund, and not out of the Imperial Exchequer.

MR. MITCHELL HENRY said, he was quite aware of that; but he wanted to put the fact before the country. The proposal was at first that the loans to Boards of Guardians and others should come out of the Imperial Exchequer; but when they asked that equally good terms should be given to the Guardians as were given to the landlords, and that concession was granted, the Government transferred the loans to this miserable Fund, and so withdrew the modicum that was granted from the Imperial Exchequer.

MR. W. E. FORSTER said, if the hon. Member wished to call public attention to the matter, all he (Mr. W. E.

Forster) had to say was, that nothing had been withdrawn. The loans were to have been granted on the usual terms, so that there would have been no loss. The question whether the public funds should relieve the Irish distress had been decided by the Bill in the negative. His hon. Friend was not correct in stating that any help out of the Revenue had been withdrawn.

MR. MITCHELL HENRY said, he must affirm distinctly that something had been withdrawn.

MR. W. E. FORSTER said, he was sorry he could not make his hon. Friend understand it. Under the first Act that was passed, the Guardians were able to borrow money, and the Commissioners of Public Works to lend. The money was to be given at a cheaper rate than it could be got elsewhere; but there was to be no loss to the Treasury. However, a change was made in the rate of interest which would have caused a decided loss; and, right or wrong, it was decided that was not to be borne by the general taxes. As no loss was contemplated, so nothing had been withdrawn.

MR. PARNELL said, there might have been a loss to the public funds, independent of the interest which, by the change, would now have to be borne by the Church Surplus Fund. It sometimes happened, and it might happen in this case, that some of the Boards of Guardians might not be able to repay the loans, and to that extent the Church Surplus Fund would be a loser instead of the Exchequer. To that extent, a difference had been caused by the adoption of the clause of the right hon. Gentleman. Under the Act of last Session, if any Board of Guardians became bankrupt, as they did in 1847-8, so as to be unable to repay the advances to the Treasury, the public funds would have been the loser; but now, under the alteration made by the right hon. Gentleman, the Church Surplus Fund would be the loser. He trusted the right hon. Gentleman would consider the advisability of inserting a new clause, by which the risk of that loss might be taken from that Fund. It was manifestly not fair to put it upon it, for it was not originally intended to do so. It was decided in the last Act that the money should be lent out of the Consolidated Fund; and, consequently, it should bear any loss that might possibly result from

the non-payment of the Boards of Guardians. He (Mr. Parnell) thought it would be fair, under all the circumstances, to propose a new clause, which would prevent such loss being thrown upon the Church Surplus Fund.

Question put, and *agreed to*.

LORD FREDERICK CAVENDISH moved that the following Clause be added to the Bill:—

(Funds for preliminary expenses of loans.)

"In addition to the sum of five thousand pounds which it is provided by the fifteenth section of the Act of the Session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, may be advanced by the Treasury to the Commissioners of Public Works in any one year, to be applied by them in making the necessary survey, inspection, and investigation, and in taking all other proceedings preliminary to making any loan or advance as therein mentioned, the Commissioners of Public Works may at any time before the thirty-first day of March next after the passing of this Act, with the consent of the Treasury, out of any moneys placed at their disposal by Parliament for the making of loans, apply the further sum of five thousand pounds, or such other sum as the Treasury may from time to time deem necessary, for defraying the expenses mentioned in the said section."

Motion *agreed to*; Clause *ordered* to stand part of the Bill.

MR. PARNELL moved, after Clause 8, to insert the following Clauses:—

"The Commissioners of Public Works may, from time to time, out of the said sum of one million five hundred thousand pounds, payable to them by the Commissioners of Church Temporalities, apply any sums not exceeding in all the sum of two hundred and fifty thousand pounds for the purposes of the Fishery Piers Act, to be expended in the manner therein mentioned, but subject to the conditions and exceptions hereinafter mentioned.

"Upon the publication by the Commissioners in the 'Dublin Gazette' or otherwise, as they shall think fit, of a notice of their intention to undertake any work which may be executed under the Fishery Piers Act, such notice shall be instead of and shall have all the force and effect of the final notice mentioned in the sixteenth section of the Fishery Piers Act.

"Before publishing such notice, the Commissioners may, if they think fit, do any matter or thing, and shall have, and may if they think fit, exercise any right, power, or authority in connection with such work, which they might do or would have with reference to any of the proceedings preliminary to the publication of the final notice mentioned in the Fishery Piers Act if the work were undertaken in strict compliance with the said Act.

"The provisions contained in the following sections of the Fishery Piers Act (that is to say): section four, sub-section four, section

five, and sections ten to fifteen, both included, relative to proceedings preliminary to the publication of such notice, shall not apply to any such work."

(Power to undertake works.)

"At any time notice after the publication by the Commissioners of Public Works of any such notice as is mentioned in this Act, the Commissioners may commence and proceed with the works proposed to be executed and to which such notice relates.

"The Commissioners may, if they think fit, do any matter or thing, and shall have and may, if they think fit, exercise any right, power, or authority with reference to such work, which they might do or would have if the work were undertaken in strict compliance with the Fishery Piers Act, and all the enactments contained in that Act, save so far as they are modified by this Act, shall apply as nearly as may be with reference to any such work."

(Management and maintenance of works when constructed.)

"When such work has been constructed, all the provisions of the Fishery Piers Act and of the Act of the Session of Parliament held in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter one hundred and thirty-six, as amended by any Act or Acts, shall apply to such work as if it was a pier constructed in strict compliance with the Fishery Piers Act."

The hon. Member said, he trusted the Government would carry out the new clause he had placed upon the Paper last night. He regretted he was unable to give longer Notice; but he had intended to bring in a Bill in reference to the matter, and finally came to the conclusion it would be more convenient to propose a clause in connection with the Bill under discussion. The Committee was aware they had agreed to grant the sum of £45,000 out of the Imperial Exchequer in aid of the construction of fishery piers and harbours on the West Coast of Ireland. As many as 70 piers and harbours had been recommended by the Commissioners as urgently required; and in order really to develop the harbours and piers on the West and South Coasts of Ireland, it was necessary that they should have a very much larger grant. He asked, by these clauses, to allow them to have some of the Church Surplus Fund for that natural object. The hon. Member for the County Waterford (Mr. Blake), who was for many years Inspector of Fisheries in Ireland, and had fulfilled his duties in a most satisfactory manner, had assisted him (Mr. Parnell) in framing these clauses, and

from his practical knowledge of the operation of the Fishery Piers Act of 1847, he assured him that they would work perfectly with that Act. They would enable the Board of Works in Ireland to undertake the construction of fishery piers and harbours, which they could undertake by the Act of 1847, without the necessity of any local contribution. The Act of 1847 allocated a grant of £50,000 for Fishery Piers and Harbours in the West. It provided that a contribution of one-fourth was necessary from local sources. That had usually been found by baronial grants; but, owing to the repugnance of the ratepayers to burden themselves more, it had been impossible to get these. He proposed to dispense with the necessity of a fourth, and the red tape required by the Act of 1847, and enable the Board of Works to undertake the construction of the fishery piers and harbours which were so much needed. He had every confidence in recommending the application of some of the Church Surplus Fund for this purpose. It would be most difficult to point out a work more urgently needed than the construction of these harbours. It was quite impossible to hope that they could be constructed without this system, for the West Coast of Ireland was far removed from civilization; it had no resident landlords, and the people were left in a sort of wild state to subsist in the best way they could, without anyone to look after their interests; and it would be of the greatest advantage to the teeming population if a grant such as he proposed were made to get on with some of the 70 piers and harbours which had been recommended by the Fishery Inspectors. Some of the piers and harbours constructed in 1847 had fallen out of repair and were now useless, so that very much was needed to develop the fisheries. He asked the Committee, with the utmost confidence, to agree to the second reading. The Irish Members, he believed were almost unanimous in its favour, and thought that no application of the money would be more advantageous to the country.

New Clause (*Mr. Parnell*) brought up, and read a first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

Mr. Parnell

MR. W. E. FORSTER said, he could not accept the clauses. He was not quite sure that £250,000 would be available, although he hoped it might be; but he did not think they ought in a Relief of Distress Bill to vote a large sum out of the Irish Church Surplus Fund for public works, independent of the immediate relief. It would be a very good thing to have piers and harbours made; but that should be done under some great and comprehensive scheme, by means of money lent on good security out of the public funds. It was a very strong and sudden step to take that the remainder of a very large part of the Fund should be swept up in supplying fishery piers. The Government, as trustees of the Fund, could not consent to the clauses.

MR. O'CONNOR POWER said, that with a moderate expenditure upon the piers and harbours of the country they could develop the fisheries, and do a great deal to relieve some of the most distressed of the Irish population. He could not lose this opportunity of supporting the hon. Member for Cork City in pressing this proposal upon the Government. With proper facilities the agricultural population near the coast could supplement their incomes by fishing where piers and harbours had been recommended. Owing to the maladministration in Dublin, that speedy help had not been given which the people had a right to expect. If the right hon. Gentleman had made inquiries which had satisfied him that the expenditure of any money on the Irish fisheries could not be a profitable investment, he could understand his position; but he (*Mr. O'Connor Power*) was not prepared to accept that conclusion. He was satisfied there was a mine of wealth encircling Ireland which only required development. He would not enlarge upon the general question; but he might easily show by reference to Scotland that Ireland had not been fairly treated in this matter; and even at the risk of detaining the right hon. Gentleman they should endeavour to impress the Government with the necessity of the case.

MR. W. E. FORSTER said, he was afraid he had not made himself understood. He did not deny that it would be of advantage to Ireland that the fisheries should be developed; but he must

remind the Committee that since 1846 £125,000 had been spent in fishery piers. The total number of boats engaged in the Irish fisheries had declined from 19,046 to 5,778. He did not deny that advantage would be gained by the development of the piers and fisheries; but that was not the only public industry which it would be well to develop, and now that they were dealing with the question of immediate distress, they were not going to fork into the Bill what would be the great bulk of the Irish Church Surplus Fund for fishery piers. Why not give it for railways or other purposes? If the best way to use the Church Surplus Fund was to apply it to public works the different claims ought to be considered, and they should not grant £250,000 to one, simply because they had a Bill before them to meet the distress.

COLONEL COLTHURST said, a Bill stood for second reading on Wednesday next, dealing with this very question of sea fisheries. Without wishing to deprecate the advance of this large sum, he did not see the slightest chance of the Government adopting a proposal made in this sudden manner. As the hon. Member (Mr. Parnell) had the interest of the poor fishermen at heart, he had better withdraw these clauses, and bring them on as an Amendment to the Bill which stood first for discussion on Wednesday. The Government might then reconsider this matter.

MR. BIGGAR said, did the hon. and gallant Member (Colonel Colthurst) really imagine that a private Member's Bill, the second reading of which was to be moved on the 7th of July, would pass into law that Session? If he did, he had really occupied his time with little purpose so far as Parliamentary procedure was concerned. This proposition was very reasonable. It was that part of the money granted by this Bill should be spent on fishery piers. It was not proposed that a fresh sum should be taken from the Church Surplus Fund. It came with wonderfully bad grace from the Chief Secretary for Ireland to talk about plundering the Church Fund—plundering, of course, was not the word he used. Well, to talk about an inroad on the Church Fund, when for the necessity of the landlords nearly £1,600,000 had been taken. When an immensely larger sum was given to a

particular class, it was not right to talk of giving a large sum to one interest. If the sum given to the landlords had been granted to the tenant farmers, they would have been aiding a much larger and more deserving class. He thought the Committee should agree to the clauses as proposed.

SIR PATRICK O'BRIEN said, he had given the hon. Member for Cork City (Mr. Parnell) his support when he proposed that a sum of £200,000 should be applied to the immediate relief of the distress; but it was not proposed by this new grant to deal with the distress at present existing in Ireland. They were about to fight the battle of the Church Surplus Fund, and upon a bye question. No one would, for a moment, deny the importance of fishery piers and harbours; but that was not the question before them. The question was whether a Bill introduced for a specific purpose, to relieve the existing distress, was to be turned into a Bill for the allocation of the general property of the whole people of Ireland. Admitting the necessity of doing all that the hon. Member for the City of Cork and other hon. Members said as to the piers and harbours, he would ask whether there were not persons in Ireland who did not profit by the sea, who had a right to look for a share of this sum, especially when it was not made for the purpose of suppressing the existing distress? He thought it was premature to discuss the allocation of the Fund upon the Bill before them.

MR. BLAKE wished to correct the erroneous impression conveyed to the Committee by the right hon. Gentleman the Chief Secretary for Ireland on the information of the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish). He was sorry to say it, but if the right hon. Gentleman had been a better student of the Reports of the Inspectors of the Irish Fisheries he would not have fallen into the blunder he had. He had conveyed to the Committee the information from the noble Lord that, with an increase in harbours, there had been a decrease in the fishery industry and in the number of boats employed in it—that, though since 1846 there had been £120,000 spent in fishery piers in Ireland, there had, notwithstanding, been a decrease in boats and crews. The right hon. Gentleman might

have seen from some of the last Reports of the Inspectors of Fisheries, made before he (Mr. Blake) left office himself, that the Inspectors had made a complete revision of the statistics regarding the Irish Fisheries. Formerly, every boat on the Irish Coast employed in the fishery, even if only for one day, was put down as a fishing boat. Many of these boats were really ferry and market boats, and not fishing boats at all. No boat was now put down in the statistics which was not actually a fishing boat. Hence the apparent decrease in the number of boats. No class had suffered more severely from the Famine of 1846-7-8 than the Irish fishermen. The capture of fish used to be pursued, to a large extent, among them; but, during the Famine, thousands were obliged to give up the industry, who were never afterwards able to resume it. Much needed to be done for the Irish Fisheries. There were, on the West and South Coasts of Ireland, large tracts of fine fishing ground, which, for want of suitable harbours, could not be fished, because the fishermen were afraid, owing to the tempestuous character of these seas, to go out except in very fine weather, lest they should be caught in a storm and not be able to regain their little harbours. For the last 10 years the fish had been keeping farther out to sea than before, thus making larger boats and better constructed harbours a necessity. The £45,000 now named by the Government, added to the Canadian, Liverpool, and other grants, would go a very short way in supplying the requisite harbours. For the wants along the East Coast alone, the £5,000 a-year, which the noble Lord said would be continued for future years, would not be sufficient. The hon. Member for Wexford was very anxious for a harbour to be constructed at Cahore for instance. If that were done, some 100 more men than were now employed would be able to ply the trade. Then the hon. Member for Cork was anxious for one at Ballycotton. If four other harbours were constructed in his (Mr. Blake's) county, £10,000 worth of fish would be added to the food supply. Now, if the proposal of the hon. Member for the City of Cork (Mr. Parnell) were carried into operation, and loans were given to the counties that did not receive them now from the Irish Reproductive Loan Fund, he ventured to say

Mr. Blake

that at least £1,500,000 worth of fish would enter the market beyond what was caught now. It was not alone Ireland that was interested in a matter of that kind. The English consumer was interested in it. An enormous quantity of fish came to London and other parts of England, and a great deal more could find a ready market there. Considering the bad agricultural season of the past few years, and the enormous foreign competition that had to be faced in the supply of butcher's meat, pork, and other such commodities, they should endeavour to make the very best of whatever industries remained to them. The seas round Ireland were capable of supplying, under proper management, at least five times the amount of employment and of food they did at present; and, under these circumstances, he thought the proposal of the hon. Member was well worthy of the favourable consideration of the right hon. Gentleman, and those associated with him in the Government of Ireland.

MR. W. H. SMITH said, the argument of the hon. Member for Waterford County (Mr. Blake) was an argument for weighing any well-considered scheme on the subject which might be submitted to that House; but it was no argument for the spending of £250,000 immediately on works which, if they were to be of any permanent value at all, required the greatest possible care in their preparation, deliberation in their plan, and skill in their execution. Anyone who knew anything about harbours and piers knew that they could be constructed only during a limited portion of the year. Unfortunately, much of the money which had been spent in England, Scotland, and Ireland on these works had turned out to be a useless expenditure. The question now was, whether money for works of this kind should be taken from other purposes of relief; for that, he thought, was the proposal of the hon. Member for Cork City (Mr. Parnell), that £250,000 should be taken out of the sum of £1,500,000 proposed to be given from the Irish Church Surplus, and should be applied to the construction of piers and harbours. In all probability, if that sum were expended immediately, it would be wasted. It would not give the relief that was contemplated, and it would fail to afford the facilities which the hon. Member

desired should be given to the working of the Fisheries of Ireland. For his own part, he (Mr. W. H. Smith) might say there was no one who would be more prepared to give the most careful consideration to any scheme which promised to develop the industries of Ireland; but he most cordially supported the Chief Secretary to the Lord Lieutenant of Ireland in his opposition to the Motion, because he believed it would entirely defeat the object they had in view, which was to relieve the present distress out of the money which was available.

Mr. SYNAN also regretted that he could not support the Motion. He did not see why they should promote the interests of the consumers of fish in England at the expense of the Irish Church Surplus Fund. Nor did he see how it was possible to meet the present distress in Ireland by the promotion of this scheme. These works were of an Imperial character, and ought to be constructed out of the Imperial Treasury. They were works which should be provided for by a separate Bill, instead of being forced into this Bill, which was only intended for the relief of the present distress in Ireland. He had no doubt it would be a great service to spend £1,000,000 for the purpose of developing the Fisheries of Ireland, and he believed it could be done in such a way that the loan would pay itself; but the money ought not to be taken from the Church Surplus Fund. That was a Fund that should be devoted to purposes for which an Imperial loan could not be obtained. It was intended for the benefit of the whole Irish people in times of famine and calamity; and the Irish Members, who were the trustees of the Irish people, should see that it was encroached upon for no other purpose.

Mr. O'SHAUGHNESSY said, the objection to the proposal of the hon. Member for Cork City (Mr. Parnell) was that it was a proposal that would spread over some years the expenditure of a very large sum which should be applied to the relief of the distress which now existed, and that expenditure of that nature was not capable of immediate application in relieving distress. It was not, it was objected, a direct means of giving relief, however useful the expenditure might be for other purposes. The hon. Member for Cork City had, at least, this excuse for having made the propo-

sition which was open to these charges, that the main machinery of this Bill for giving relief was equally indirect. It gave no more than 25 per cent at most of the money it voted to the actual relief of the people. The rest went mainly to benefit the landlords, and would enable them, by improving their estates, to gain in the end an increase of their rents. He thought, therefore, that, so far as the indirectness of the effect went, the hon. Member for Cork City had some excuse in the general framing of the Bill. But, notwithstanding, there might be something in the objection of the right hon. Gentleman the Chief Secretary for Ireland. It was a large sum to be spent on those piers, and it was hard to approach the subject now with any chance of proper discussion. There was no doubt that there was a great deal of want; there was no doubt that they could usefully employ people, who would otherwise remain hungry, in building piers; and there was no doubt that the piers would be of much utility if constructed. If, however, instead of taking this £250,000, a small sum were taken for this description of work, could anyone doubt that it might be usefully expended in the relief of distress? They had £45,000 from the Treasury, £15,000 from Canada and other quarters for the purpose of making these harbours. But it had transpired already in the course of this debate that although by means of these sums, and the contributions likely to be raised locally, many works might be carried on for some years, there would be danger of these being at last left uncompleted. Was it an unfair and unreasonable thing to suggest that some small sum, not £250,000, but a sum equivalent to the sum already granted—£60,000—the amount of the two grants—should be given from the Irish Church Surplus? That was justified by the distress which prevailed in those sea-board places, and by the necessity for something more than had yet been secured to complete these works. When the large sum of £1,500,000 was given to the Irish landlords to swell their rents ultimately, it was not too much to ask that some portion of the same Fund should be given in cases where it could be applied directly to the relief of distress by such works. He did not think there was much in the argument of the hon. Gen-

tleman (Mr. Blake), who feared that the ultimate effect of such a grant would be to cheapen fish for the English market. Whether the fish came to pious Catholics in English counties, or to Protestants who liked it, the fishermen would equally be benefited.

MR. W. E. FORSTER said, he was glad to find that after nearly 12 hours' debate they were still so cheerful; but he wished to remind them of a difference between that mode of making use of the Church money and any other that had been suggested. As to what had been said about the giving of loans to the landlords resulting in an eventual increase of their rents, that system of giving loans to the landlords had been decided upon by the late Government. The hon. Member for Limerick (Mr. Synan) had asked whether they might not make a small grant for fishery piers to promote employment, when they were giving so large a sum to the landlords for the same purpose of promoting employment. But there was this immense difference—that they lent the money to the landlords, whereas it was proposed to give it for the fishery piers. That was an enormous difference at the very outset of their proposal, and it was introducing a perfectly new principle, which it had never occurred to anyone could be brought into this debate. They had to consider whether they should absolutely give away an Irish Church Surplus for public works. He thought they should be very careful before they made over the principal of the Irish Church Surplus for any such purpose. This evening they had assented to the possibility of a diminution of the principal of the Fund for the special purpose of relieving immediate distress and keeping the people alive; but it was a somewhat startling proposal that they should allocate any of that principal for this description of public works. He could not imagine that hon. Members from Ireland, if aware of its full effects, would assent to the Motion, or that it would be generally accepted.

MR. BIGGAR said, the Chief Secretary for Ireland had remarked a difference in the nature of the two proposals. He had said that the money to be advanced under the other provisions of the Bill was to be given in the way of loan. But when money was given in the shape of a loan at a nominal rate of

interest, the real fact was that the proceeding amounted to a present of three-fourths of the money. Then, as to the question whether this money was really used for the relief of the poor. They knew very well, from the discussions that had taken place, that there was only a nominal relief provided for the poor by this money given to the landlords. A very small amount of the principal sum of that loan would even reach the poor. The hon. Baronet the Member for King's County (Sir Patrick O'Brien) had insinuated that some of the supporters of this clause were actuated by selfish motives, because they represented maritime counties. He (Mr. Biggar) represented an inland county which had no sea-board whatever, and a town in a tidal river which had no fishing whatever; and he was, therefore, free from any personal temptation. But he really did think, in all seriousness, that it would be a very much more judicious outlay of this £1,500,000, were it given for the purpose of these piers which would be reproductive, if they were to believe the statements of the hon. Member for Waterford County (Mr. Blake), whose experience was worth that of all the rest of the Members of the Committee, than if given to the landlords. The hon. Member had shown them that the money would not only be reproductive and benefit the fishermen, but that it would also benefit the consumers of fish in Ireland and England. The hon. Member for Limerick (Mr. Synan) seemed to think that it was a great grievance that the consumers of fish in the large towns of England should reap any part of the benefit. But they would simply get the benefit of these large supplies of fish, if they gave a price for it which would tempt it from the mouth of the Irish consumer. And if they got the fish, the men who caught it and sent it to England would be benefited. The other systems of spending the money would only benefit a few people, and that in a much more questionable way. He thought the Government ought to agree to the proposal to allocate a portion of this money to fishing piers, which, under the former provisions of the Bill, would be commenced, but were never likely without a further grant of money to be finished, and which were, therefore, likely to be utterly worthless.

Mr. O'Shaughnessy

MR. P. MARTIN said, that the Irish Members were not unanimous in recommending the adoption of the proposal. He did not think it would be a wise proceeding to take £250,000 for fishing harbours and piers out of the £1,500,000 which it had been already arranged to allocate for the purpose of relieving the immediate distress existing in the country. The description of work required in erecting harbours and piers would not be the kind likely to be useful for the purposes of affording that immediate relief demanded by the exigency of the present circumstances. Skilled labour would be required, and to supply it he feared in very many cases the artizans employed would be brought over from England. That had been found too frequently to be the case in their past experience. But wherever the labour came from, this description of work required time; and it would not be effectual, as it occurred to him, in at once and before the harvest relieving the sufferings of those shown to be in a state verging on starvation. Under those circumstances, he trusted that the Chief Secretary for Ireland would adhere to the resolution he had come to, and would not suffer the sum which should be applied to the immediate relief of a distress that was of a deep and widespread character to be applied to purposes of a different nature. If they were discussing the general question as to whether the Fisheries of Ireland should be encouraged or not, he would quite agree with the weighty observations delivered by the hon. Gentleman who had been lately an Inspector of Fisheries. He trusted the Chief Secretary for Ireland would take these observations into consideration at the proper time, and find funds for promoting an industry too long neglected in Ireland. He had heard something said about Scotland. In Scotland harbours were rising very much from the aid given, not by the Government, but from a body of resident landlords, able and willing to encourage works of that character. This, unfortunately, was not the case in Ireland. The Scotch Fisheries, which had admirable piers, had also, however, been assisted by Government formerly in a way that the Irish had not been up to the present. He hoped that, in process of time, attention would be given to this subject; but, so far as this Bill was concerned, he thought, notwithstanding the

respect he had for the hon. Member for Cork City, that they ought not to accept his clauses.

MR. PARNELL thought there was some force in the objections which had been urged on the other side to grants being taken at such short notice, more especially as it would appear to raise the question of the allocating of the Church Surplus Funds, and their distribution among the industries of Ireland; but the proposition of the hon. Member for Leitrim (Mr. Tottenham) did not fall under these objections. The amount which had been allocated by this Bill—one of the most useful the Bill contained next to that of £200,000 for assisting the Poor Law Unions in giving out-door relief—that for harbours and fishery piers was a very small one, and when that question was under discussion the Irish Members urged the desirability of increasing it. This was impressed on the Government; but the noble Lord the Secretary to the Treasury was unwilling, he said, in view of the Budget proposals, to recommend an increase. Taken with the Liverpool and the Canadian funds it would amount to £60,000. This was a very small thing for the assistance of the Fisheries of the West Coast. It would go a very little way, and he was afraid it would raise expectations among the fishermen which, in nine cases out of ten, would be doomed to disappointment. Now, if power were given to the Commissioners to take from the Church Surplus Fund £60,000 in addition to the £60,000 already granted for piers and harbours, it would make something of a little gift to the West Coast Fisheries. Although there was a great deal of force in the objection of the hon. Member for Limerick (Mr. Synan) that a considerable portion of this must go in materials, though not so much as he seemed to think, yet nothing he (Mr. Parnell) believed would do more to relieve the poverty and privations during the coming winter than affording such facilities to these fishing stations. In many instances they had no harbours, but only little boat slips. It would encourage the men to hold on and fight through the winter. He would ask the right hon. Gentleman to consider this. He did not know whether it was the intention to finish the Bill that night; but if not he would ask leave to withdraw his clause for the present, in order that it might be fully considered in the interval

between then and the next Sitting of the Committee; that the right hon. Gentleman might consider whether or not he would give, say £60,000, so as to make something of a little gift to these little harbours of the West Coast. This would not trench much on the Church Surplus, and it would be something out of the £1,500,000, which he felt sure would do a great deal of good. The question had been thoroughly inquired into, the harbours were well known. The Board of Works would know perfectly well where the works were to be constructed, and he felt sure it would be an enormous assistance.

MR. MITCHELL HENRY said, this amended proposal was really a most reasonable one. He was a little startled with the original proposal, and could not have supported it. He would remind the Committee that there was a Committee of the Board of Works, composed of at least one Member of that Board, one Fishery Commissioner, and one Naval Officer, sitting now in Dublin on this question of small piers and harbours, for which the Treasury gave £45,000, and charitable funds provide other £15,000, making together £60,000. Applications to that body had been very numerous, the greater part of them for sums of £30,000 and £40,000, and these grants would be of the greatest use. But the Commissioners could only make a selection from the applications; they could not take a great number, because their funds were limited. What could be more reasonable than to take from this Irish Fund, which the House disposed of as it wished, not as the Irish Representative wished, out of which the House, under the auspices of the Government, took £1,500,000. What more reasonable than to apply £60,000, for this purpose to supplement the sum of £60,000 already allocated? When the winter came, whether the year's harvest were good or bad, there would still be an immense deal of poverty in the country. Nobody must suppose, when they heard these tales of distress told to the world, that they described an exceptional state of things; they were the normal condition of many parts of the country, where a sum spent as proposed would be spent for the best purpose. Therefore he hoped the Chief Secretary for Ireland would not "put his foot down" and refuse the proposi-

tion, but that he would reconsider it between now and when the Bill was finally disposed of, whether he could not permit Ireland to have £60,000 out of her own money spent in this way.

THE CHAIRMAN asked, did the hon. Member for Cork City withdraw his Motion?

MR. PARNELL said, yes: he proposed to withdraw his clauses in order to give the right hon. Gentleman a little time for consideration, for a very short Notice had been given of them.

Motion, by leave, *withdrawn*.

MR. VILLIERS STUART, in rising to move the following Clause:—

(Power to Board of Works to make advances to boards of guardians, &c.)

"It shall be lawful for the Board of Works to make advances to boards of guardians and municipal corporations in scheduled districts on the same terms as to landlords, to enable them to give employment as an alternative to gratuitous out-door relief to able-bodied labourers, and to make advances through the medium of boards of guardians to tenant farmers in scheduled districts to enable them to give employment on their farms in the making of permanent improvements,"

said, as a large proportion of Irish distress was created by want of employment, of course the obvious means of relieving that distress would be to afford employment. That was the principle which the late Government had recognized in granting the loans to landowners. That was a good measure so far as it went; but it did not go far enough, because it did not sufficiently diffuse the employment given. Only the area immediately surrounding the estate upon which the loan was expended derived any benefit, the district beyond remaining untouched by it. Labourers could not come from their homes a distance of four or five miles for work, returning again when the day's work was over. What was wanted was a measure which should be the means of diffusing the employment; and he ventured to submit that no better means could be devised for doing that thoroughly than by advances to tenant farmers to enable them to make improvements on their holdings, making the Board of Guardians the intermediaries for these advances. There was a precedent for such a measure in the Seeds Loans, and the Bill which was introduced for that purpose last Session. Of course, there was the question of security; but

Mr. Parnell

in the Seeds Loans this presented no great difficulty, and the difficulties would be more easily met in the case of loans to large farmers than was the case in the Seeds Loans, which included an infinite number of petty loans to small cottiers. There would be no difficulty in reaching the tenant farmers through the means of the Board of Guardians, and also in taking sufficient security. Of course, the Board of Guardians were the natural and proper machinery for relieving distress; they would be thoroughly acquainted with the circumstances of every man in the Union; they could put their finger on him at once; they knew which farmer was solvent and which was not; in fact, no more capable machinery could be employed or any more immediately available. There they were available at once, and he thought that relief could not be more carefully administered than through the medium of the Board of Guardians. The Government proposal was to confine the loans to these bodies for purposes of out-door relief; but the object of his Amendment was to enable the Boards to give not only outdoor relief, but to give employment, and to have a discretion; for Poor Law Guardians well knew the demoralizing effect of giving out-door relief. The labouring men were perfectly conscious of that themselves, for he heard deputations of them say—"We do not want charity; we want employment to earn an honest subsistence for ourselves and our families." And there was no doubt that was by far the best means of meeting distress without unnecessary delay. At the present time the Boards of Guardians were not empowered to give employment; they could only give out-door relief; and he had often heard Guardians complain during the last winter of the demoralizing effect of the mode of relief, and that if they only had the power to give employment it would be an immense benefit. He hoped the Government would think favourably of his proposal, which was—

"It shall be lawful for the Board of Works to make advances to boards of guardians and municipal corporations in scheduled districts on the same terms as to landlords."

So far as that went, the Chief Secretary for Ireland had stated his unwillingness to extend the term of repayment beyond 12 years. Yet he hoped he might be willing to

extend the term beyond 12 years, because he knew in the case of baronial sessions what an obstacle this had been in preventing ratepayers availing themselves of the loans. He hoped the Chief Secretary would see his way to making the term a little more near the condition attaching to loans to landlords; and if he saw objections to extending the term to so long as 35 years, yet he might extend it to 25 years. If he would do that he would be adding immensely to the boon he was bestowing. He then proceeded to move the first of the two clauses of which he had given Notice.

New Clause (Power to Board of Works to make advances to boards of guardians, &c.) *brought up*, and read a first time.

Motion made, and Question proposed, "That the Clause be now read a second time."—(*Mr. Villiers Stuart.*)

MR. W. E. FORSTER said, one reason for objecting to the clause was that he did not know that there was the money to meet the object to which it was directed. The £1,500,000 would be pretty well swept up by the several charges put upon it. In addition to that, he thought this proposal was made at the beginning of the year, as an alternative mode of relief. It was not then adopted, and it was not too late, as a means of meeting the necessities of the time between now and the harvest. They were within five or six weeks of the harvest, and the clause would require at least two or three weeks to come into operation. He did not think it would be possible to change the operation of their machinery now, even supposing his hon. Friend's idea was the best. Whether it was the best or not, he (Mr. W. E. Forster) did not say; but he did not think it was possible now to make the change. He hoped his hon. Friend would not press the Amendment. It would appear to be a matter that deserved a thorough consideration, if brought forward earlier; but now, certainly, it was too late to bring it forward.

MR. FINIGAN said, as it was a very late hour, and it was agreed that this was an important new clause, he thought the Committee could not do better than close the Sitting, and he would move that the Chairman do now report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Finigan.)*

MR. W. E. FORSTER said, there was only that clause, and just one or two others, and he could hardly suppose those would be pressed. Of course, if they led to a long debate it would be useless to prolong the Sitting; but he did hope it would be felt that it was too late now to introduce the clause.

COLONEL COLTHURST also ventured to ask the hon. Member for Waterford County (Mr. Villiers Stuart) not to press the clause. He did so, because in February the hon. Gentleman had moved an Amendment to enable advances to be made to Guardians and Municipal Corporations on the same terms as to landlords, for the purpose of giving employment, instead of gratuitous relief. But the Amendment was then rejected, and the hon. Member must see it was too late to hope to carry it.

MR. PARNELL did not think the clause, as moved, would be found of a workable description. In order to set it in motion, some scheme would have to be provided. At all events, the outlines of the scheme would have to be embodied in a set of clauses, for it would be quite impossible to set in motion the clause as it stood. He had been thinking about the best means of meeting the object of the clause, and had intended, if it had not been so late in the season, if the urgency had not been so great, and if they had not had other concessions of a valuable character from the right hon. Gentleman, he had intended to move a set of clauses in the Bill which would have enabled the Committee, at all events, to discuss the subject properly. However, he did not wish to detain the Committee with the clauses he had proposed to move. He would have constituted the county surveyor to assist, in conjunction with the Poor Law Boards, in the machinery for carrying into effect the provisions of the clause. He would have proposed that power should be given to Boards of Guardians to make advances to occupiers of land, and that they should borrow money, to be so advanced on the security of the rates, and that the money should be recovered from occupiers in the shape of rates. Therefore, this money would be

the first charge on their holdings. He would propose that the county surveyor should be appointed as the authority for checking the Poor Law Boards in their allocation of the advances. That would have given the county surveyor the veto, as regarded any work proposed. He had the clauses there; but he did not propose to read them, for he had abandoned all intention of moving them some time ago. But, in that way, a simple machinery would be provided for carrying into effect the object of the hon. Member for Waterford County (Mr. Villiers Stuart), the county surveyor acting as a check on the Poor Law Board, as to the work to be undertaken. But now, as the season had got so late, it would be useless for immediate relief; and as he was assured that, should the distress continue next winter, the Chief Secretary for Ireland intended to adopt sweeping measures to cope with it, then there would be an opportunity of raising the question again. He did not see the slightest practical use in persevering with the clause now.

MR. W. E. FORSTER trusted the Motion for reporting Progress would be withdrawn. He was thankful to the Committee for having sat so long, and hoped soon to relieve them from further effort.

MR. BIGGAR really thought they ought to report Progress. There was no ground for going on longer, and if they wanted to go to church at all they had better get to bed. He believed the clause of the hon. Member for Waterford (Mr. Villiers Stuart) though, perhaps, not couched in the proper form, still did contain a valuable principle. Amendments might be found to it, and certainly he thought the Committee should consider them. As to the argument of the hon. Member for Cork City, that this subject had received a discussion in the last Parliament, and should not, therefore, be discussed now, he (Mr. Biggar) would only say that the present Parliament represented popular ideas and interests which its predecessor did not, and he thought it obligatory on a so-called Liberal Government to give the opportunity of another discussion.

MR. W. E. FORSTER said, if he went to church on the morrow, he should do so with a clearer conscience if he first got the Bill through Committee. He

thought the hon. Gentleman would see that this was really not a remarkable clause, and that it was too late in the history of the distress to bring this clause in now. If they had another bad harvest, they would have to consider this and much more besides. He hoped also that the Motion to report Progress would not be persevered with. They were within a short time of going through all the clauses; and he had always found that a Committee having once got to work appreciated the convenience of not leaving off until they reached a point for making a clear division of their labours.

MR. VILLIERS STUART expressed his unwillingness to withdraw his Motion for the insertion of the new clause.

MR. PARNELL said, it might be left until the time came for dealing with the clause of the hon. Member for Limerick (Mr. Synan). That was the only other important clause on the Paper with the exception of the "Suspension of Ejectments" Clause in the name of the hon. Member for Cavan (Mr. Biggar), which he (Mr. Parnell) thought had better be left to be moved as an Amendment to the Government Land Bill. So far as he could see, the only important part of the Business remaining was the clause of his hon. Friend; but, of course, if a discussion was raised upon that, they ought not to go on that night.

MR. FINIGAN said, why he moved to report Progress was because when they asked for grants for fishery piers, they were told it would take so long that it would be useless for purposes of relief; and then when they asked for money for the tenant farmers, they were told it was too late for the relief of distress, although they had previously been told that some of the loans advanced to landlords would not be expended for two or three years. Really he could not understand which of these reasons to believe. It was simply because, to use a common expression, "things had got considerably mixed" in the Committee, that he moved to report Progress; but, in answer to the appeal of his hon. Leader, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

MR. VILLIERS STUART said, he would now ask leave to withdraw the clause.

Motion and Clause, by leave, *withdrawn*.

COLONEL COLTHURST said, the clause of which he had given Notice was not likely to provoke dissent. It was only to extend to the Local Government Board that which they had now to enforce, or require out-door relief to be given in certain districts up to the 31st December this year, to extend that power up to the 30th June next year. He therefore moved the insertion of the following clause:—

(Grant of out-door relief.)

"The Local Government Board shall, up to the thirtieth day of June one thousand eight hundred and eighty-one, be entitled to authorise the grant of out-door relief in food and fuel, or either, by order for the time and subject to the power of revocation stated in section three of 'The Relief of Distress (Ireland) Act, 1880,' and the said section three shall be read and construed in all respects as if the said thirtieth day of June one thousand eight hundred and eighty-one had been there inserted, instead of the thirty-first day of December one thousand eight hundred and eighty."

New Clause (Grant of out-door relief) *brought up*, and read a first time.

Motion made, and Question proposed, "That the Clause be now read a second time."—(Colonel Colthurst.)

MR. W. E. FORSTER said, it was reasonable that the clause should correspond with the other portions of the Bill which ran into next Session; and, therefore, if the hon. and gallant Gentleman would make the date March 1st, instead of June 30th, he would accept the clause.

COLONEL COLTHURST said, he would agree to the Amendment, and would accordingly move the substitution of the date March 1st for June 30th.

Amendment of proposed New Clause *agreed to*.

Clause, as amended, read a second time, and *ordered* to stand part of the Bill.

MR. SYNAN said, he had a new clause to propose, which, unless accepted by the Government, might lead to a long discussion; and, if it would be more convenient, he was willing to let it stand for discussion among the postponed clauses. He was quite prepared to move it now. It was a clause which was intended to amend the 9th clause of the Bill of last

Session. It was contained in the Bill as it left the House of Commons, but was rejected in the House of Lords. The clause was as follows:—

(Definition of improvements under s. 4 of the Landlord and Tenant (Ireland) Act, 1870.)

“Whenever by any award or otherwise the rent of any tenant shall be increased by reason or in respect of any works executed on his holding under the Relief of Distress, Ireland, Act, 1880, then, and in every such case, the works so executed shall, so far as such increase shall be paid by such tenant or his successor in title, be deemed to be improvements made by such tenant within the meaning of the fourth section of the Landlord and Tenant (Ireland) Act, 1870.”

It was admitted that the money was given out of the Church Surplus Fund, not for the benefit of the landlords, but for the purpose of relieving distress in Ireland, and, indirectly, for the purpose of promoting the agricultural interest of the country. Under the Act as it stood, by an Amendment of his (Mr. Synan's), the landlord was prevented, if he had an award for raising rent, from charging the tenant more under that award than he paid himself; but that Amendment would not prevent a bad landlord from serving a notice to quit, and evicting his tenant, unless the tenant consented to pay a greater rent. For the purpose of taking that power out of the hands of the bad landlord, this new clause came in to supplement the other clause, so that if a tenant were disturbed in the enjoyment of his holding he should be paid the value of his improvements, as far as he had paid the instalments upon them, but no farther. If he had paid increased rent he was entitled to the value of improvements, so far as that increased rent went. The property of the tenant was not protected unless some such arrangement were made. Probably three-fourths, or even nine-tenths, of the Irish landlords would be content with the award, and would regard themselves as well paid by having their rents well secured. Under those circumstances, he put it to the Government whether they were prepared to accept the clause. It was accepted by the previous House of Commons and rejected by the House of Lords.

New Clause (Definition of improvements under S. 4 of the Landlord and Tenant (Ireland) Act, 1870) *brought up*, and read a first time.

Mr. Synan

Motion made, and Question proposed, “That the Clause be now read a second time.”—(*Mr. Synan.*)

SIR H. HERVEY BRUCE thought there was no great objection to the principle of the clause, because the tenant who had been paying interest on his outlay ought to receive the benefit of it; but he could not accept the wording of the clause, because there was no appeal. It said “that the rent of any tenant shall be increased by reason.” It did not say who was to decide.

MR. SYNAN said, it was previously expressed in the clause “by any award or otherwise.”

SIR H. HERVEY BRUCE said, the wording should be more clear as to the tenancy that was to be benefited. If he read it aright, a tenant for one year would be benefited by that use; and if another tenant came in for a year or so, he also would be benefited. Some words should be inserted to limit the operation of the Bill to tenancies of a certain period.

MR. GIBSON thought the hon. Baronet the Member for Coleraine (Sir H. Hervey Bruce) was perfectly right in the point he had taken. A tenant might have the enjoyment for 15 or 20 years, until the improvements exhausted; and then a County Court Judge, under this clause, might award him the full value. There was a clause in the Land Act to the effect that the Judge should take into consideration the enjoyment that the tenant had had; and he was sure the hon. Member for Limerick (Mr. Synan) did not wish to withdraw that from his consideration.

MR. SYNAN quite agreed with that; but it was met by the words—

“Shall be deemed to be improvements made by such tenant within the meaning of the fourth section of ‘The Landlord and Tenant (Ireland) Act, 1870.’”

MR. GIBSON thought it would not apply to all tenants, but only those existing at the passing of the Land Act.

MR. W. E. FORSTER said, this was a matter upon which it was necessary to consider, not only the words of the clause, but what had already been done. He was in favour of the clause when it was originally brought in. He thought that in its general meaning it was perfectly fair and equitable; and his only

doubt about it would have been whether they had any right, at that time, to import any fresh condition into the contract by putting the landlord under a fresh obligation to the tenant. His difficulty was removed when the right hon. and learned Gentleman (Mr. Gibson) stated that he saw no objection to the spirit of it; and, therefore, he was quite willing to accept the Amendment, subject to the possible alteration which had been suggested.

MR. GIBSON said, he must discharge himself from any misunderstanding. He only came into the House when the hon. Baronet the Member for Coleraine (Sir H. Hervey Bruce) was speaking, and rose at once to apply himself to the matter he heard going on. The clause was open, no doubt, to objections; but he preferred taking the matter as far as he could without objections. He would consider the matter carefully between that time and Report; and, of course, he reserved to himself the full right of making any objection on Report.

Question put, and *agreed to*.

Clause read a second time, and *ordered to stand part of the Bill*.

Postponed Clauses 3 and 4.

MR. PARNELL said, before coming to those clauses, there was an important point to be settled in reference to the Seeds Act. He believed the right hon. Gentleman the Chief Secretary for Ireland (Mr. W. E. Forster) undertook to bring up a new clause.

MR. W. E. FORSTER said, he undertook to do so on Report, as far as he could recollect.

MR. PARNELL said, there was also the hon. Member for Limerick's (Mr. Synan's) clause as to limitation of time, and his (Mr. Parnell's) own little matter about the £60,000. He supposed the right hon. Gentleman did not intend to finish the Committee that night; and, therefore, he would be content to allow the three questions he had named to remain until the Committee resumed. He, therefore, now moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Parnell.)*

MR. W. E. FORSTER said, he did not wish to ask the Committee to proceed any further now.

MR. PARNELL inquired whether it would be possible to move any other clauses when the Committee resumed?

THE CHAIRMAN replied, not in Committee; but on the Report.

Question put, and *agreed to*.

Committee report Progress; to sit again upon *Monday* next.

House *resumed*.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. William Edward Forster.)*

MR. PARNELL said, it was only 20 minutes past 12, and he thought they might go on with the Registration of Voters (Ireland) Bill, and take a step in that; and there was also the Municipal Franchise (Ireland) Bill. They were both opposed Orders; and if they had not an opportunity of taking them now, they might not be able to get them any other night.

MR. W. E. FORSTER said, the Government clearly pledged themselves that nothing should be taken at that Sitting but the Compensation for Disturbance (Ireland) Bill, and they were certainly bound by their guarantee to hon. Members who were not now present, and must abide by it.

MR. CALLAN appealed to hon. Gentlemen who wished to proceed not to persist in that idea. He was as anxious as they were for the measures which had been mentioned; but the House was honourably bound, and every individual Member who assented to the undertaking of the Government was bound by it. Although he did not wish to speak against proceeding with an Irish Bill, he certainly should vote with the Government on that occasion. But he hoped hon. Members opposite would not place himself or others in the false position of voting against Bills in which they were interested. He appealed to them not to oppose the adjournment of the House.

Question put.

The House *divided*:—Ayes 43; Noes 22: Majority 21.—(Div. List, No. 41.)

The House was adjourned accordingly at half after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, 5th July, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Inclosure Provisional Order (Abbotside Common) * (119); Local Government Provisional Orders (Aberavon, &c.) * (120).*

Second Reading—Judicial Factors (Scotland) * (98); Elementary Education (106); Local Government Provisional Orders (Poor Law) * (102).

Committee — Report — General Police and Improvement (Scotland) Provisional Order (Broughty Ferry) * (99).

ARMY EDUCATION—LITERARY AND PHYSICAL COMPETITIONS—REPORT OF THE JOINT COMMITTEE.

OBSERVATIONS.

EARL FORTESCUE, in rising to call attention to the Report of the Joint Committee of the War Office and the Civil Service Commissioners on supplementing the literary examinations for the Army by physical competition, said: I am very glad that I complied with the wishes of my noble Friend the Under Secretary of State for India (the Marquess of Lansdowne), some months ago, and postponed bringing on the question which I have the honour of now submitting to your Lordships; for since that time great changes have taken place. A new Secretary of State for War has been appointed, and I have the advantage of bringing under his notice, through my noble Friend the Under Secretary of State, views which I had repeatedly brought in vain under the consideration of the late Secretary of State for War. Not that I should have despaired of ultimately convincing him; because some 40 years of Parliamentary life have taught me that, however resolute the opposition, and however positive the declarations of Ministers may be against a measure, if it is founded on sound principles, is conformable to common sense, and has the support of competent practical authority, it will sooner or later be carried—indeed, I have not seldom seen measures carried by the very Ministers who had before most strongly denounced them. As I think that supplementing the present purely literary and scientific examina-

tions for commissions in what may be called the non-Scientific Corps of the Army is sound in principle and conformable to common sense, and I know that it is strongly recommended by high practical authorities, both civil and military, and unofficially by almost every officer of experience with whom it has been my fortune to converse on the subject, I venture sanguinely to hope that this great practical improvement will be extended to the candidates seeking commissions in the Cavalry and Infantry, as it has long been partially applied to candidates seeking commissions in the Artillery and Engineers. It should be remembered that this recognition of the principle in the case of the two Scientific Corps is all the more valuable because the system of competitive examinations for commissions in them grew up gradually to meet the requirements of the Service; and was not in any way the result of popular pressure from without, as the adoption of competitive examinations for the Cavalry and Infantry must be allowed to have been to a certain degree, however strong may have been the conscientious convictions of its superiority over Purchase in those who carried it into effect. I must, therefore, still hold the new system in its present shape decidedly crude and imperfect; though, after the noble Lord's (Viscount Cardwell's) assurances, I do not doubt much consideration was bestowed upon it. To show the superiority of the old over the new system, riding, which, though indispensable from the first in every Horse Artillery officer, and, after attaining a certain rank, in every Field Artillery officer, may practically hardly be required for years together in an Engineer officer employed upon works, such as many of those which I have seen at Malta, Corfu, and Gibraltar, yet counts for a number of marks in the Woolwich examinations. But riding is not more indispensable from the first in a Horse Artillery than a Cavalry officer, nor, I believe, more in a Field Artillery than in an Infantry officer for a certain number of years; while, as I have shown, it is decidedly less so in many Engineer officers. Yet Cavalry and Infantry officers can only obtain, in competing for commissions, marks for literary acquirements, or for an amount of arithmetical and mathematical know-

ledge, desirable, no doubt, in itself for us all, but professionally requisite for the Engineer and Artillery officer to quite a different extent from what it is in the Infantry or Cavalry officer. This I may confidently say, if the system be, as I have been told and believe experience has shown it to be, good for the two Scientific Corps, much more must it be so for the Cavalry and Infantry. Let us have, at all events, some consistency and some regard to principle on this question. But we shall be told again, I doubt not, by the Under Secretary of State for War and the illustrious Duke, that the physical vigour and activity of the officers entering under the present system are, in general, most satisfactory. I do not doubt it on the average; though I must observe that this is not the consequence of any encouragement given to the development of these qualities by Her Majesty's Government, but rather to habits, traditions, and sympathies yet lingering—and, I hope, long yet to linger in moderation—in the class from which the officers of our Army are principally derived; to a love of sport and athletic exercises, denounced, indeed, by some Members of the Government and many of its supporters, but countenanced by others, and among them by my noble Friend the Lord President, who, conscientiously diligent in the discharge of his duties, during his seasons of relaxation, *Gaudet equis canibusque et*—I will omit the epithet as inappropriate to him—*et gramine campi*. But was the new system adopted in consequence of the proved general incapacity of our officers entering or promoted by Purchase? Will anyone stand up and declare that they were not in general highly efficient; that under their command and leading the British Army habitually disgraced itself; that, to say nothing of the glories of the Peninsula and Waterloo, the British officers in the Crimea and in the Indian Mutiny, in China and at the Red River, entering and promoted under that Purchase system not then superseded, did not, under a tropical sun and in frost and snow, North and South, East and West, maintain nobly the honour of the British flag? If this argument of the officers under the present system being good is to exclude any attempt at improvement, what justification was there for the introduc-

tion of competitive examinations, which Mr. Cardwell proposed, and I, amongst others, supported? The ground was simply this—that though the officers under the Purchase system had shown themselves generally good, there were solid reasons for believing that under the competitive system they, on the average, would be better. It was on this ground alone that I, in this House and elsewhere, year after year pressed for an improvement in the present system of competitive examinations for commissions. It was to ascertain whether it was expedient that the present literary examination for the Army should be supplemented by physical competition that the Joint Committee were appointed. It was on this point that they reported; and it is to their unanimous Report, based upon careful inquiry and the opinions of most competent witnesses, that I venture again to call your Lordships' attention. Of the military Members of the Committee I will say no more than this—that their appointment upon it ought to be taken to be conclusive as to their eminent qualifications. But of the civilian Members of the Joint Committee, I will remind you that at their head appeared the honoured name of Lord Hampton, with whom I had the pleasure of some acquaintance during the many years I sat with him in the other House of Parliament. He had filled, among other high Cabinet Offices, that of Secretary of State for the War Department, and, therefore, was fully acquainted with our military administration. But, more than that, his sympathies had always been strongly and markedly with education, and he had shown himself on that subject much in advance of most Members of both political Parties. I cannot but recall, with melancholy satisfaction, that the very last time I saw him I had some conversation with him, as I had often before, upon this very question; and he kindly promised me his hearty aid once more upon it—aid which would have powerfully supplemented my own feeble advocacy of a thoroughly good cause. Sir George Dasent's eminent ability and high culture are too well known to require my dwelling on them; and Mr. Walrond, though he enjoys a less extended reputation, is most highly spoken of by those who know him. These are the high authorities who unanimously agreed to the Report which

I hold in my hand. But they did not base it merely on their own opinion. They inquired as to the views of 21 heads of the most eminent large educational establishments. Of these 21 highly qualified witnesses, only 3 of whom could be supposed to have any military prejudice, 15 were favourable to the additional examinations proposed, and of these 9 were most strongly so, and among them the Commandant of the Staff College, General Napier, and the Governor of Sandhurst, Sir Archibald Alison; 3 only were strongly opposed to it, among whom was the Governor of Woolwich, Sir John Adye. Of the remaining 3, 2 wrote rather doubtfully, and 1 was in favour of a qualifying, instead of a competitive, examination. The letters of these high educational authorities, 18 of them *ex hypothesi* of high literary attainments, are given in the Appendix to the Report; and I must say the superiority in argument of most of the 15 favourable ones was as striking to me as their superiority in number to the 3 unfavourable ones; while the careful consideration of the whole subject, its practical difficulties and the way of overcoming them, the moderation and excellent good sense of the whole Report, must, I think, strike everyone who reads it. They say—

“On the general question of the proposed addition we apprehend there can be little difference of opinion. Whether regard be had to the direct utility of physical vigour in the discharge of military duties, or to its importance as connected with valuable mental and moral qualities, we entertain no doubt that some account should be taken of it in these examinations, provided the value set upon it be not such as to depreciate superior intellectual ability, that proper tests can be agreed upon, and that satisfactory means can be found of applying those tests.”

I have heard it said that as there are some 600 or 700 candidates for commissions at each examination, the number of candidates for the physical competition would render the scheme unworkable. But the Report proves that the Committee had anticipated and satisfactorily met that objection. Further on, they say that in competitions—

“It is commonly found that below the degree of superior merit, and on each side of the line which separates the successful from the unsuccessful, there occurs a long list of candidates showing a comparative level of mediocrity; and we consider that no undue weight will be given to physical excellence if it be allowed practi-

cally to decide the question of success or failure among candidates of this class. . . . In these examinations, at which about 100 candidates are usually selected, the average difference between the 50th and the 150th is about 1,000 marks.”

It is clear, from their Report, that the Joint Committee contemplated for these physical examinations, which were to be purely voluntary, rules which would certainly keep the number of competitors in this supplementary examination well below 100—a number which I cannot for a moment believe it would be found practically difficult to examine as proposed by the Joint Committee. And, now, do not let it be said that I am a wild enthusiast about athletics, and at all indifferent to book-learning. I think that, as regards athletic games and exercises, the fashion at present runs to a mischievous and absurd excess. The enormous crowd, for instance—very different from that in my earlier days—of late years assembled to see 22 boys play a game at cricket, affords, in my opinion, a ridiculous, not to say humiliating, spectacle. I have done much more and worked much harder for many years in the promotion of book-learning. I had offered an annual prize for modern languages at Harrow years before I gave some champion cups for excellence in various games and athletic exercises to be annually contended for there. I was one of the founders, and have been one of the trustees and directors, for more than 20 years, of the Devon County School, the first middle-class county school established in England, and have taken an active part ever since both in that and in Cavendish College at Cambridge. It is my deep interest in the Army, and my desire to see its efficiency promoted, which alone have prompted me, year after year, to bring the subject before your Lordships. I supported by my vote the abolition of Purchase. The competitive system substituted, professed to be based on the sound principle that, as the number of candidates for commissions greatly exceeded the number of commissions to be disposed of, it was desirable for the country to secure the best of those candidates for the service. But, then, that principle has been very imperfectly carried out. And though, not at all thanks to that system, I quite allow that under it, as under the superseded Purchase system, pretty satisfactory results are obtained, I contend—

Earl Fortescue

and in this I am supported by the concurrent opinion of almost every officer whom I have talked with on the subject, from Field Marshals down to subalterns, of the highest educational authorities, and; I must add, by the general common sense of the public—that a better system might be introduced, which would secure all the good results of the present system without any of its inherent disadvantages, of which examples from time to time, though, I admit, not very flagrant ones, are seen. Mr. Cardwell said, “Let us have the most learned officers we can get, provided they pass a medical examination;” which I know, on excellent authority, was some time ago far from a severe one. I say, Let us have the best men all round, intellectually and physically, as far as competitive examination can enable us to test them. And do not let us be told that, if riding is one of the subjects, injustice will be done to the sons of parents who cannot afford to mount their sons. The object is not to secure a good race, but the best winners. As I said once before, in taking servants ourselves, we look to their qualifications for the work they have to do; we do not ask what facilities for obtaining the requisite training they had enjoyed. As there may be, and in past times has been, an unfair preference for favoured families in military as well as civil appointments, so there may be an unfair preference for less qualified over better qualified candidates for the Army under a false plea of fair play. All we have to look to is obtaining the best article we can for our money, without giving any unfair protection to inferior articles, because they happen to be of the middle instead of the higher class. A fair field and no favour is the sound principle. If riding, which is a very important one, be, which I do not believe, such a very costly accomplishment to acquire, let the country have the advantage of officers who have become efficient in it at no expense to the Treasury. Do not us have in these days a disguised Protection for inferiority in qualifications, a clap-trap favouritism to the relatives of middle-class constituents. I have been for 40 years a Free Trader, and I protest against Protection to high or low, middle class or wage class. In conclusion, I will very shortly recapitulate the

argument in favour of the adoption of the Report of the Joint Committee. I protest against this imperfect scheme of yesterday—a quite recent innovation—being treated as if it were a time-honoured institution, not to be touched without hazard by any innovating hand, when the secular system of Purchase, though it had worked well, had been superseded by the competitive system, because that was expected to work better. Secondly, I protest against the bugbear of hopeless impracticability being raised against the additional examination recommended by the Joint Committee, when they indicate so plainly how easy and practicable would be the means of carrying it out with regard to the limited number of candidates which would have to be dealt with. Thirdly, I protest against the ignorant talk of literary and educational enthusiasts about the supreme importance of book-learning and high intellectual culture, and the unimportance of physical strength and activity in officers—placing a knowledge of Chaucer above skill in riding, and a knowledge of Lucretius above swimming. Fourthly, I protest against a bounty being given at the expense of the country to the less wealthy in the shape of the admission to the Army of candidates of their class giving less promise of future efficiency as officers, in the place of candidates from a richer class giving greater promise of efficiency as officers. Let the country get the best officers it can for its money; not merely the most learned, but the best officers all round—as far as these can be tested and selected by examination.

LORD DORCHESTER said, he had great pleasure in supporting the views of his noble Friend who had just sat down (Earl Fortescue). The subject to which his noble Friend had called attention was of the utmost importance and deserved every consideration at the hands of their Lordships, and he believed that there was no tribunal better qualified to give an opinion on the subject than their Lordships’ House. In addition to the Report to which his noble Friend had alluded, there was another, the Report of Lord Airey’s Committee on the Organization of the Army, which he regretted had not been presented. That Report was sure to ooze out through the news-

papers. He thought it ought to be produced.

EARL GRANVILLE rose to Order, and suggested to the noble Lord that it was irregular to allude to a Report not before the House, and which was on a subject not before the House.

LORD DORCHESTER said, he accepted the noble Earl's apology. [*Much laughter.*] He begged pardon—he bowed to his reproof; but he might add that he believed the Report to which he had alluded would throw much light on the matter. He begged to support his noble Friend (Earl Fortescue) in every observation he had made. Good riding was, of course, indispensable in the Cavalry; but he held, from his own experience of 25 years, that it was highly useful to Infantry officers and to Naval officers also. [*Laughter.*] He repeated that it was useful for Naval officers, who occasionally might have to ride with despatches across a strange country. It was a well-known fact that a distinguished member of the Naval Profession had obtained great credit in the Crimea for carrying despatches on horseback in an enemy's country.

VISCOUNT ENFIELD said, that as his noble Friend (Earl Fortescue) had alluded to the Report of the Joint Committee, he wished to explain, as representing the Civil Service Commission, that the Commissioners saw no paramount difficulties in the way of a physical competition in the case of candidates for the Army; but, at the same time, they felt that unless they should be adequately supported in that view not only by the authorities at the Horse Guards and the War Office, but also by public opinion outside their Lordships' House, no steps ought to be taken by them. If they were asked to do so, they were perfectly ready to carry out such alterations in the examinations for entrance to the Army as would secure a mixture of physical competition with other subjects now required of candidates. The inquiry originated in this way. On the 20th of December, 1877, Lord Hampton made a private suggestion on this subject to the Secretary of State for War. Soon after the Civil Service Commissioners, through their Secretary, wrote to the Director General of Military Education, assenting to a conference on the subject, as suggested by Mr. Gathorne Hardy, the then Se-

Lord Dorchester

cretary of State for War. In February, 1878, the Joint Committee met in Cannon Row—Lord Hampton, Sir George Dasent, and Mr. Walrond, as Civil Service Commissioners; the Director General of Military Education (Lieutenant General Beauchamp Walker), the Assistant Military Secretary (Major General R. B. Hawley), and the Assistant Adjutant General (Colonel G. R. Greaves), representing the military authorities. Previously to making their Report, which they did on the 26th of April, 1878, the Joint Committee circulated questions on the subject of their inquiry to General W. C. E. Napier, Governor of the Royal Military College at Sandhurst; Major General Sir John Miller Adye, Governor of the Royal Military Academy at Woolwich; Major General Sir Archibald Alison, Governor of the Staff College at Aldershot; and to the head masters of these 18 public schools—Charterhouse, Cheltenham, Clifton, Dulwich, Eton, Harrow, Haileybury, Malvern, Marlborough, Merchant Taylor's, Repton, Rugby, Sherborne, St. Paul's, Westminster, Wellington College, Winchester, and Uppingham. He thought he was correct in saying that out of the replies received from the 21 military and civil authorities thus consulted, 14 were variously though not wholly favourable to the proposed scheme, and that while those distinguished persons who were favourable to it thought with the Joint Committee that there would be an advantage in having a physical as well as a literary examination, they, as well as the Joint Committee, were of opinion that the former ought not to be compulsory. The subjects recommended by the Joint Committee for physical competition were riding, walking, running, leaping, swimming, and gymnastics; but they recommended that the candidate should only be at liberty to select three out of the six subjects, and that the maximum number of marks for them should be 1,200. The Report of the Committee was sent in on the 26th of April, 1878, and on the 28th of the same month another conference was held between the Civil Service Commissioners and the War Office Representatives; but nothing definite was agreed upon, the Civil Service Commissioners not regarding themselves as having any authority to undertake examinations under the pro-

posed scheme, except in the circumstances he had already indicated. There was this Memorandum—

“At a meeting held at the Office of the Civil Service Commission on May 28, 1878, in pursuance of a letter from the Director General of Military Education, dated the 24th of that month—present, Lord Hampton, Lieutenant General Walker, Sir George Dasent, Mr. Walrond—General Walker having, after some preliminary discussion, suggested that the Commissioners should put themselves in communication with such persons as they might think fit with the view of settling the method of carrying out the proposed physical competitions for the Army, the Commissioners stated that they did not regard themselves as having authority at present to take any action in the matter, but that they would be quite willing to undertake the arrangement and superintendence of such examinations if informed that it was the wish of the Secretary of State for War and His Royal Highness the Field Marshal Commanding-in-Chief that they should do so, and General Walker was requested to report to His Royal Highness accordingly.”

From the 28th of May, 1878, nothing more was done in the matter till the 28th of February, 1879, when his noble Friend brought it under the notice of their Lordships' House. On that occasion, it appeared that the Commander-in-Chief and the then Under Secretary of State for War (Viscount Bury) were not favourable to the proposed alterations. The Under Secretary of State said—

“It was true that his right hon. and gallant Friend the Secretary of State for War was at first disposed to carry out the recommendation of the Committee; but on considering it, and taking the opinion of military authorities, he found that difficulties of an insurmountable nature presented themselves against giving effect to it, and therefore he would not advise the Government or Parliament to endeavour to carry it out.”—[3 *Hansard*, cxxliii. 1951.]

The illustrious Duke said, in the same debate—

“He felt strongly with noble Lords who had addressed the House; but he must honestly confess that when he came to the question of bringing the proposed system into practice, he found it would be utterly impossible to do so—he did not himself see how it could be done; and two distinguished officers, who signed the Report, being present when the question was further discussed, could not give any plan as to how their own recommendation could be carried out. If the recommendation should be adopted, it would change the whole present system of education, and changing the whole system was an extremely grave matter. . . . There might be very good grounds for doing this, and possibly there might be found a reason for combining the two things; but, he and his noble Friend at the War Office having given every consideration to the matter, he did not see how it was possible

to combine the two things. . . . The other day his representative, General Lyons, the Quartermaster General, went down to Sandhurst, and he said that he never saw a finer or a better set of young men than he saw there. . . . He (the Duke of Cambridge) himself had also been struck with the qualifications of the young men.”—[*Ibid.* 1592-3.]

After those two speeches, the Civil Service Commissioners did not think it right to take any step in the matter, though they were not opposed to the proposed changes, if the Horse Guards and the War Office authorities thought them desirable for the welfare of the Army. He (Viscount Enfield), however, believed he was correct in stating that the late Secretary for War and the Commander-in-Chief were opposed to any action being taken in the matter. For himself, he did not see how the scheme could be worked out. A better class of young men than they obtained at present could not be had. The Commissioners themselves deprecated the continually stirring up of this question, which only unsettled the minds of parents of candidates and of tutors, who did not know what alterations in the system of Army examinations might be contemplated. Besides, all history and all experience showed that it was quite possible to combine the highest military education and knowledge even with a somewhat deficient physical exterior. He begged to remind his noble Friend that Lord Macaulay, referring to the Battle of Neerwinden, mentioned—

“The hunchbacked dwarf who urged forward the fiery onset of France, and the asthmatic skeleton who covered the slow retreat of England.”

No doubt, physical qualifications were of great importance; but he thought that if the preliminary private medical examination which preceded the literary examination was fairly carried out, in all probability no officer physically incompetent could be admitted into the Army; and that if it were a real and a tolerably stringent one, the test of physical competence for entering the Army would be solved in, perhaps, a more satisfactory manner than by making the candidates run, jump, swim, or ride, as the noble Earl wished. At the same time, his Colleagues and himself were only anxious to meet the wishes of the military authorities and the public in a matter of such vital interest to the future

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—
(*Mr. Finigan.*)

MR. W. E. FORSTER said, there was only that clause, and just one or two others, and he could hardly suppose those would be pressed. Of course, if they led to a long debate it would be useless to prolong the Sitting; but he did hope it would be felt that it was too late now to introduce the clause.

COLONEL COLTHURST also ventured to ask the hon. Member for Waterford County (Mr. Villiers Stuart) not to press the clause. He did so, because in February the hon. Gentleman had moved an Amendment to enable advances to be made to Guardians and Municipal Corporations on the same terms as to landlords, for the purpose of giving employment, instead of gratuitous relief. But the Amendment was then rejected, and the hon. Member must see it was too late to hope to carry it.

MR. PARNELL did not think the clause, as moved, would be found of a workable description. In order to set it in motion, some scheme would have to be provided. At all events, the outlines of the scheme would have to be embodied in a set of clauses, for it would be quite impossible to set in motion the clause as it stood. He had been thinking about the best means of meeting the object of the clause, and had intended, if it had not been so late in the season, if the urgency had not been so great, and if they had not had other concessions of a valuable character from the right hon. Gentleman, he had intended to move a set of clauses in the Bill which would have enabled the Committee, at all events, to discuss the subject properly. However, he did not wish to detain the Committee with the clauses he had proposed to move. He would have constituted the county surveyor to assist, in conjunction with the Poor Law Boards, in the machinery for carrying into effect the provisions of the clause. He would have proposed that power should be given to Boards of Guardians to make advances to occupiers of land, and that they should borrow money, to be so advanced on the security of the rates, and that the money should be recovered from occupiers in the shape of rates. Therefore, this money would be

the first charge on their holdings. He would propose that the county surveyor should be appointed as the authority for checking the Poor Law Boards in their allocation of the advances. That would have given the county surveyor the veto, as regarded any work proposed. He had the clauses there; but he did not propose to read them, for he had abandoned all intention of moving them some time ago. But, in that way, a simple machinery would be provided for carrying into effect the object of the hon. Member for Waterford County (Mr. Villiers Stuart), the county surveyor acting as a check on the Poor Law Board, as to the work to be undertaken. But now, as the season had got so late, it would be useless for immediate relief; and as he was assured that, should the distress continue next winter, the Chief Secretary for Ireland intended to adopt sweeping measures to cope with it, then there would be an opportunity of raising the question again. He did not see the slightest practical use in persevering with the clause now.

MR. W. E. FORSTER trusted the Motion for reporting Progress would be withdrawn. He was thankful to the Committee for having sat so long, and hoped soon to relieve them from further effort.

MR. BIGGAR really thought they ought to report Progress. There was no ground for going on longer, and if they wanted to go to church at all they had better get to bed. He believed the clause of the hon. Member for Waterford (Mr. Villiers Stuart) though, perhaps, not couched in the proper form, still did contain a valuable principle. Amendments might be found to it, and certainly he thought the Committee should consider them. As to the argument of the hon. Member for Cork City, that this subject had received a discussion in the last Parliament, and should not, therefore, be discussed now, he (Mr. Biggar) would only say that the present Parliament represented popular ideas and interests which its predecessor did not, and he thought it obligatory on a so-called Liberal Government to give the opportunity of another discussion.

MR. W. E. FORSTER said, if he went to church on the morrow, he should do so with a clearer conscience if he first got the Bill through Committee. He

thought the hon. Gentleman would see that this was really not a remarkable clause, and that it was too late in the history of the distress to bring this clause in now. If they had another bad harvest, they would have to consider this and much more besides. He hoped also that the Motion to report Progress would not be persevered with. They were within a short time of going through all the clauses; and he had always found that a Committee having once got to work appreciated the convenience of not leaving off until they reached a point for making a clear division of their labours.

MR. VILLIERS STUART expressed his unwillingness to withdraw his Motion for the insertion of the new clause.

MR. PARNELL said, it might be left until the time came for dealing with the clause of the hon. Member for Limerick (Mr. Synan). That was the only other important clause on the Paper with the exception of the "Suspension of Ejectments" Clause in the name of the hon. Member for Cavan (Mr. Biggar), which he (Mr. Parnell) thought had better be left to be moved as an Amendment to the Government Land Bill. So far as he could see, the only important part of the Business remaining was the clause of his hon. Friend; but, of course, if a discussion was raised upon that, they ought not to go on that night.

MR. FINIGAN said, why he moved to report Progress was because when they asked for grants for fishery piers, they were told it would take so long that it would be useless for purposes of relief; and then when they asked for money for the tenant farmers, they were told it was too late for the relief of distress, although they had previously been told that some of the loans advanced to landlords would not be expended for two or three years. Really he could not understand which of these reasons to believe. It was simply because, to use a common expression, "things had got considerably mixed" in the Committee, that he moved to report Progress; but, in answer to the appeal of his hon. Leader, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

MR. VILLIERS STUART said, he would now ask leave to withdraw the clause.

Motion and Clause, by leave, *withdrawn*.

COLONEL COLTHURST said, the clause of which he had given Notice was not likely to provoke dissent. It was only to extend to the Local Government Board that which they had now to enforce, or require out-door relief to be given in certain districts up to the 31st December this year, to extend that power up to the 30th June next year. He therefore moved the insertion of the following clause:—

(Grant of out-door relief.)

"The Local Government Board shall, up to the thirtieth day of June one thousand eight hundred and eighty-one, be entitled to authorise the grant of out-door relief in food and fuel, or either, by order for the time and subject to the power of revocation stated in section three of 'The Relief of Distress (Ireland) Act, 1880,' and the said section three shall be read and construed in all respects as if the said thirtieth day of June one thousand eight hundred and eighty-one had been there inserted, instead of the thirty-first day of December one thousand eight hundred and eighty."

New Clause (Grant of out-door relief) *brought up*, and read a first time.

Motion made, and Question proposed, "That the Clause be now read a second time."—(*Colonel Colthurst*.)

MR. W. E. FORSTER said, it was reasonable that the clause should correspond with the other portions of the Bill which ran into next Session; and, therefore, if the hon. and gallant Gentleman would make the date March 1st, instead of June 30th, he would accept the clause.

COLONEL COLTHURST said, he would agree to the Amendment, and would accordingly move the substitution of the date March 1st for June 30th.

Amendment of proposed New Clause *agreed to*.

Clause, as amended, read a second time, and *ordered* to stand part of the Bill.

MR. SYNAN said, he had a new clause to propose, which, unless accepted by the Government, might lead to a long discussion; and, if it would be more convenient, he was willing to let it stand for discussion among the postponed clauses. He was quite prepared to move it now. It was a clause which was intended to amend the 9th clause of the Bill of last

Session. It was contained in the Bill as it left the House of Commons, but was rejected in the House of Lords. The clause was as follows:—

(Definition of improvements under s. 4 of the Landlord and Tenant (Ireland) Act, 1870.)

“Whenever by any award or otherwise the rent of any tenant shall be increased by reason or in respect of any works executed on his holding under the Relief of Distress, Ireland, Act, 1880, then, and in every such case, the works so executed shall, so far as such increase shall be paid by such tenant or his successor in title, be deemed to be improvements made by such tenant within the meaning of the fourth section of the Landlord and Tenant (Ireland) Act, 1870.”

It was admitted that the money was given out of the Church Surplus Fund, not for the benefit of the landlords, but for the purpose of relieving distress in Ireland, and, indirectly, for the purpose of promoting the agricultural interest of the country. Under the Act as it stood, by an Amendment of his (Mr. Synan's), the landlord was prevented, if he had an award for raising rent, from charging the tenant more under that award than he paid himself; but that Amendment would not prevent a bad landlord from serving a notice to quit, and evicting his tenant, unless the tenant consented to pay a greater rent. For the purpose of taking that power out of the hands of the bad landlord, this new clause came in to supplement the other clause, so that if a tenant were disturbed in the enjoyment of his holding he should be paid the value of his improvements, as far as he had paid the instalments upon them, but no farther. If he had paid increased rent he was entitled to the value of improvements, so far as that increased rent went. The property of the tenant was not protected unless some such arrangement were made. Probably three-fourths, or even nine-tenths, of the Irish landlords would be content with the award, and would regard themselves as well paid by having their rents well secured. Under those circumstances, he put it to the Government whether they were prepared to accept the clause. It was accepted by the previous House of Commons and rejected by the House of Lords.

New Clause (Definition of improvements under S. 4 of the Landlord and Tenant (Ireland) Act, 1870) *brought up*, and read a first time.

Mr. Synan

Motion made, and Question proposed, “That the Clause be now read a second time.”—(*Mr. Synan.*)

SIR H. HERVEY BRUCE thought there was no great objection to the principle of the clause, because the tenant who had been paying interest on his outlay ought to receive the benefit of it; but he could not accept the wording of the clause, because there was no appeal. It said “that the rent of any tenant shall be increased by reason.” It did not say who was to decide.

MR. SYNAN said, it was previously expressed in the clause “by any award or otherwise.”

SIR H. HERVEY BRUCE said, the wording should be more clear as to the tenancy that was to be benefited. If he read it aright, a tenant for one year would be benefited by that use; and if another tenant came in for a year or so, he also would be benefited. Some words should be inserted to limit the operation of the Bill to tenancies of a certain period.

MR. GIBSON thought the hon. Baronet the Member for Coleraine (Sir H. Hervey Bruce) was perfectly right in the point he had taken. A tenant might have the enjoyment for 15 or 20 years, until the improvements exhausted; and then a County Court Judge, under this clause, might award him the full value. There was a clause in the Land Act to the effect that the Judge should take into consideration the enjoyment that the tenant had had; and he was sure the hon. Member for Limerick (Mr. Synan) did not wish to withdraw that from his consideration.

MR. SYNAN quite agreed with that; but it was met by the words—

“Shall be deemed to be improvements made by such tenant within the meaning of the fourth section of ‘The Landlord and Tenant (Ireland) Act, 1870.’”

MR. GIBSON thought it would not apply to all tenants, but only those existing at the passing of the Land Act.

MR. W. E. FORSTER said, this was a matter upon which it was necessary to consider, not only the words of the clause, but what had already been done. He was in favour of the clause when it was originally brought in. He thought that in its general meaning it was perfectly fair and equitable; and his only

doubt about it would have been whether they had any right, at that time, to import any fresh condition into the contract by putting the landlord under a fresh obligation to the tenant. His difficulty was removed when the right hon. and learned Gentleman (Mr. Gibson) stated that he saw no objection to the spirit of it; and, therefore, he was quite willing to accept the Amendment, subject to the possible alteration which had been suggested.

MR. GIBSON said, he must discharge himself from any misunderstanding. He only came into the House when the hon. Baronet the Member for Coleraine (Sir H. Hervey Bruce) was speaking, and rose at once to apply himself to the matter he heard going on. The clause was open, no doubt, to objections; but he preferred taking the matter as far as he could without objections. He would consider the matter carefully between that time and Report; and, of course, he reserved to himself the full right of making any objection on Report.

Question put, and *agreed to*.

Clause read a second time, and *ordered* to stand part of the Bill.

Postponed Clauses 3 and 4.

MR. PARNELL said, before coming to those clauses, there was an important point to be settled in reference to the Seeds Act. He believed the right hon. Gentleman the Chief Secretary for Ireland (Mr. W. E. Forster) undertook to bring up a new clause.

MR. W. E. FORSTER said, he undertook to do so on Report, as far as he could recollect.

MR. PARNELL said, there was also the hon. Member for Limerick's (Mr. Synan's) clause as to limitation of time, and his (Mr. Parnell's) own little matter about the £60,000. He supposed the right hon. Gentleman did not intend to finish the Committee that night; and, therefore, he would be content to allow the three questions he had named to remain until the Committee resumed. He, therefore, now moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Parnell.)*

MR. W. E. FORSTER said, he did not wish to ask the Committee to proceed any further now.

MR. PARNELL inquired whether it would be possible to move any other clauses when the Committee resumed?

THE CHAIRMAN replied, not in Committee; but on the Report.

Question put, and *agreed to*.

Committee report Progress; to sit again upon *Monday* next.

House *resumed*.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. William Edward Forster.)*

MR. PARNELL said, it was only 20 minutes past 12, and he thought they might go on with the Registration of Voters (Ireland) Bill, and take a step in that; and there was also the Municipal Franchise (Ireland) Bill. They were both opposed Orders; and if they had not an opportunity of taking them now, they might not be able to get them any other night.

MR. W. E. FORSTER said, the Government clearly pledged themselves that nothing should be taken at that Sitting but the Compensation for Disturbance (Ireland) Bill, and they were certainly bound by their guarantee to hon. Members who were not now present, and must abide by it.

MR. CALLAN appealed to hon. Gentlemen who wished to proceed not to persist in that idea. He was as anxious as they were for the measures which had been mentioned; but the House was honourably bound, and every individual Member who assented to the undertaking of the Government was bound by it. Although he did not wish to speak against proceeding with an Irish Bill, he certainly should vote with the Government on that occasion. But he hoped hon. Members opposite would not place himself or others in the false position of voting against Bills in which they were interested. He appealed to them not to oppose the adjournment of the House.

Question put.

The House *divided*:—Ayes 43; Noes 22: Majority 21.—(Div. List, No. 41.)

The House was adjourned accordingly at half after Twelve o'clock till Monday next.

those clauses should not be postponed with an intention of quietly killing them afterwards. Of course, he could not object to their being killed, if they were to be killed; but he wanted it done in a proper fashion.

MR. W. E. FORSTER said, he should like to make a suggestion to hon. Members who were interested in those clauses. He should be very glad to meet them, and to find out what alterations they thought should be made. Of course, he could not say beforehand that he would consent to those alterations. It was possible, however, that if hon. Members were in favour of those clauses, and could agree as to how they thought they should be placed before the Committee, they might be able to get them through without the difficulty which would evidently otherwise arise.

MR. A. MOORE thought the Committee should be satisfied with the answer of the right hon. Gentleman, who had made a very proper proposal. He only wished after what had been said by other hon. Gentlemen to put his opinion on record that those clauses were of the greatest possible value. His constituents were most anxious for them; and, putting aside questions as to machinery and so forth, he regarded the main principle as extremely valuable.

Question agreed to.

Clause 5 (Powers of Board of Works).

MR. A. M. SULLIVAN said, that in the absence of the hon. and gallant Member for Leitrim (Major O'Beirne) he would move in page 3, line 13, to leave out "thirty" and insert "sixty." The object was to increase the sum proposed to be given for the purposes of fishery piers.

THE CHAIRMAN said, it was out of Order for a private Member to move to increase the grant proposed to be given out of public moneys by this Bill. Such increase could only be proposed by a Minister of the Crown.

MR. W. E. FORSTER believed that was the case. He therefore begged to move that "forty-five" be put in the place of "thirty." When the latter sum was first decided upon, it seemed to him to be the sum required to build piers in the most distressed districts, and where they would do most good; but it had been found desirable to increase it to £45,000, in order that they might

take advantage of all the money so generously granted by the Canadian Government. He did not expect hon. Members to say they were satisfied, and that that sum would meet the requirements of all the distressed districts; and however much might be proposed, he dared say they would feel justified in asking for more. But this was a considerable advance, and he believed it would do very great good.

Question, "That 'thirty' stand part of the Clause," put, and negatived.

Question proposed, "That 'forty-five' be inserted."—(Mr. W. E. Forster.)

MR. ARTHUR O'CONNOR said, the right hon. Gentleman told the Committee that, in the opinion of the Government, £30,000 represented what would be likely to be wanted before they had any information, or before they took any steps to meet the grant from Canada. [Mr. W. E. Forster explained that he did not say that.] He could only say that if the Government had information about the Canadian grant they must have been sadly wanting in arithmetical ability not to have arrived at a fairer figure.

MR. W. E. FORSTER said, what he said was that they fixed the sum of £30,000 at first, because they thought it would meet those piers for which there was the most urgent necessity.

MR. ARTHUR O'CONNOR did not wish to misrepresent the right hon. Gentleman; but it did seem strange to him that when the Canadians had given £10,000, the Government should have proposed to give only £30,000. At any rate, they knew that from outside sources there was a fund of £15,000 now available, which, treated as a fourth of the entire expenditure, would leave a balance of £45,000 to be supplied from Imperial funds. That was supposing that no contribution whatever was to come from Ireland for fishery purposes. It was supposed, in fact, that the example of the Canadians would not be met by anyone in Ireland. It seemed to him that it was an entirely gratuitous assumption on the part of the Government; and he wished to point out that this clause, and, in his opinion, the whole Bill, was a thorough sham. The Bill, in its entirety, was a sham, and any portion of it was a sham. It was a

Major Nolan

in the Seeds Loans this presented no great difficulty, and the difficulties would be more easily met in the case of loans to large farmers than was the case in the Seeds Loans, which included an infinite number of petty loans to small cottiers. There would be no difficulty in reaching the tenant farmers through the means of the Board of Guardians, and also in taking sufficient security. Of course, the Board of Guardians were the natural and proper machinery for relieving distress; they would be thoroughly acquainted with the circumstances of every man in the Union; they could put their finger on him at once; they knew which farmer was solvent and which was not; in fact, no more capable machinery could be employed or any more immediately available. There they were available at once, and he thought that relief could not be more carefully administered than through the medium of the Board of Guardians. The Government proposal was to confine the loans to these bodies for purposes of out-door relief; but the object of his Amendment was to enable the Boards to give not only outdoor relief, but to give employment, and to have a discretion; for Poor Law Guardians well knew the demoralizing effect of giving out-door relief. The labouring men were perfectly conscious of that themselves, for he heard deputations of them say—"We do not want charity; we want employment to earn an honest subsistence for ourselves and our families." And there was no doubt that was by far the best means of meeting distress without unnecessary delay. At the present time the Boards of Guardians were not empowered to give employment; they could only give out-door relief; and he had often heard Guardians complain during the last winter of the demoralizing effect of the mode of relief, and that if they only had the power to give employment it would be an immense benefit. He hoped the Government would think favourably of his proposal, which was—

"It shall be lawful for the Board of Works to make advances to boards of guardians and municipal corporations in scheduled districts on the same terms as to landlords."

So far as that went, the Chief Secretary for Ireland had stated his unwillingness to extend the term of repayment beyond 12 years. Yet he hoped he might be willing to

extend the term beyond 12 years, because he knew in the case of baronial sessions what an obstacle this had been in preventing ratepayers availing themselves of the loans. He hoped the Chief Secretary would see his way to making the term a little more near the condition attaching to loans to landlords; and if he saw objections to extending the term to so long as 35 years, yet he might extend it to 25 years. If he would do that he would be adding immensely to the boon he was bestowing. He then proceeded to move the first of the two clauses of which he had given Notice.

New Clause (Power to Board of Works to make advances to boards of guardians, &c.) *brought up*, and read a first time.

Motion made, and Question proposed, "That the Clause be now read a second time."—(*Mr. Villiers Stuart.*)

MR. W. E. FORSTER said, one reason for objecting to the clause was that he did not know that there was the money to meet the object to which it was directed. The £1,500,000 would be pretty well swept up by the several charges put upon it. In addition to that, he thought this proposal was made at the beginning of the year, as an alternative mode of relief. It was not then adopted, and it was not too late, as a means of meeting the necessities of the time between now and the harvest. They were within five or six weeks of the harvest, and the clause would require at least two or three weeks to come into operation. He did not think it would be possible to change the operation of their machinery now, even supposing his hon. Friend's idea was the best. Whether it was the best or not, he (*Mr. W. E. Forster*) did not say; but he did not think it was possible now to make the change. He hoped his hon. Friend would not press the Amendment. It would appear to be a matter that deserved a thorough consideration, if brought forward earlier; but now, certainly, it was too late to bring it forward.

MR. FINIGAN said, as it was a very late hour, and it was agreed that this was an important new clause, he thought the Committee could not do better than close the Sitting, and he would move that the Chairman do now report Progress.

ment, but also in aid of the fishermen of that district. He had himself, within the last four or five weeks, been in districts—he referred especially to 40 miles of coast—where there was not a landing place where a boat could be drawn up. The districts were barren, and the ordinary means for building those piers were altogether wanting. There was one hard case which he wished especially to bring to the notice of the Committee. That was the case of a pier and harbour of refuge at Ballycotton that was urgently needed. A pier was already built there by the Board of Works; but it did not go far enough into the sea. There was no turning point where fishing boats could get out of the roll of the sea and lie up; and many boats had been wrecked there, not only on coming in, but actually when lying at the pier. He believed that to construct a harbour of refuge there would not cost more than about £10,000, in which both boats and fishing vessels could lie. Application had been made with regard to that pier to the Board of Works; and the answer had been that, as the law then stood, their application could not be entertained. The place lay in the centre of an exceedingly distressed district. He understood that the Guardians had unanimously—or, at any rate, by a large majority—agreed to apply to have the Union scheduled, and their application had been refused, on the ground that the construction of that pier totally excluded them from consideration. Therefore, he would earnestly appeal to his right hon. Friend that he would consider the advisability of granting that £15,000 in aid of that Vote; and that such works as those at Ballycotton, to which he had alluded, might be taken into consideration in preference to others which lay in districts which were not absolutely entitled to be termed distressed districts.

MR. W. E. FORSTER said, that in answer to the hon. and learned Gentleman opposite (Mr. A. M. Sullivan), who had appealed to him, it appeared to him (Mr. W. E. Forster) that they thought he had the key of the Treasury. He had not got it, and he would inform the hon. and learned Member that it was not his (Mr. Forster's) money that he was asking for, but the money of the people, which was to be raised by taxation. He must state that he did not think the Government could increase the grant. In so doing, they would be acting quite con-

trary to all precedent, and nothing but a very strong case would induce them to allow of an increase. He must honestly say that he thought the authorities had done quite right in being reluctant to give public money in such an unprecedented way. He was perfectly sure that it was not in his power to increase the Vote, and if the Amendment was proposed he should be in favour of the Vote remaining at £30,000.

MR. T. P. O'CONNOR said, he wished to say a few words, as he was deeply interested in that question. He thought that the grant was utterly insufficient, and he would call the attention of the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) to the fact that before long £40,000 would be required for a harbour at Galway. It was not, he knew, a fishery harbour; but that sum alone amounted to within £5,000 of the Vote they now were to receive. With regard to what fell from the right hon. Gentleman the Chief Secretary for Ireland, he would beg to say that the grant of Imperial money for local harbours was not altogether so unprecedented as he wished to make out. Imperial money had been given to matters partly Imperial and partly local before then; and, as that money would go to assist in the construction of harbours of refuge, it was necessary, he thought, that Imperial as well as local funds should contribute. He understood from the hon. Member for the County of Waterford (Mr. Blake), who was the highest authority upon that subject, that according to the present system the power of giving money for fishery piers was, practically considered, rather decreased than increased, and that heavier conditions were to be required from those making applications than were required before. He thought the grant might well be increased to £60,000. The right hon. Gentleman the Chief Secretary for Ireland (Mr. Forster) had stated that he had not the key of the Treasury; but he (Mr. T. P. O'Connor) understood that the noble Lord the Secretary to the Treasury had it. He would suggest that the way out of the difficulty was to grant the £45,000, and also continue the annual grant of £5,000.

LORD FREDERICK CAVENDISH said, that the proposals of the Government had been spoken of as a sham; he

Colonel Colthurst

must say that he could not regard it in that light. That was an epithet that could hardly with propriety be applied to any Supplemental Vote. Whether or no the hon. Member for Queen's County (Mr. Arthur O'Connor) was right in characterizing the Bill as a sham, there could be no doubt that contributions were to be paid in aid of local works. With regard to the remarks of the hon. Member (Mr. T. P. O'Connor) who had just spoken, as to a single harbour absorbing the whole sum, he would beg to point out to him that the money for fishery piers was limited to comparatively small works, and would not be employed for piers for shipping and such larger craft. For that reason they did not see why the Vote should be increased to £45,000. He was not prepared to say that in the present state of the Exchequer the amount could be increased. It was intended, however, to continue the usual grant of £5,000.

MR. PARNELL said, it appeared from the remarks of the noble Lord (Lord Frederick Cavendish) that the Treasury would be threatened with bankruptcy in case that grant were increased to £45,000. That only showed to what desperate devices hon. Gentlemen might be driven in order to avoid any increase of expenditure. He did think that such a sum as £45,000 was a poor miserable sum considering what was required to be spent on the West Coast of Ireland. The Inspectors of Fisheries had recommended that some harbours should be built. They asked for that purpose for a Vote of £45,000, and £15,000 was to be given by Canada and Liverpool, making a total of £60,000, and that was all that could be obtained, in order that the fishermen might reap the magnificent harvest that Providence sent them. As a measure for the relief of distress it was equally miserable. He was sorry that the noble Lord the Secretary to the Treasury had not seen his way to be more generous in that matter. £45,000 was a poor contribution out of the Exchequer for the relief of distress. It was not what they might have expected from a great country, and he thought that they should have received a sum equal to the emergency—say £100,000. It would not ruin England to give a grant of that kind, and the advantage and benefit of it to the poor fishermen on the Western Coast of Ire-

land would render them perfectly satisfied. Upon studying the question he had become so convinced of the great necessity that existed for a larger sum of money to be expended that he had placed upon the Notice Paper, the previous night, a new clause, in order to enable the sum of £250,000 to be given for that purpose out of the Church Surplus Fund, and he hoped that when the time came for considering that clause the right hon. Gentleman the Chief Secretary for Ireland (Mr. Forster) would see his way to agree to it. He knew of no purpose to which the Church Surplus Fund could be better put than in national works of that kind, and thus to improve the industrial resources of the country, and increase the wage-earning power, and so relieve those who were then dependent upon relief Committees for their daily bread. He had merely referred incidentally to his own clause, which he hoped to introduce. Looking at the history of the distress in Ireland, he was afraid to think what the state of things would have been had it not been for the magnificent contributions they had received from the United States and far-off Australia. He trusted that the Government would not limit their contributions to the miserable grant of £45,000.

MR. BLAKE said, he had heard the opinions of the right hon. Gentleman the Chief Secretary for Ireland with regard to that matter; but he could adduce very strong claims for assistance in the matter of piers and harbours. Fifty years ago a Bill was passed in that House to abolish the grant of £5,000 for harbours in Ireland; but it continued the contribution of £3,000 which had been paid to Scotland. The grant was removed from Ireland, and continued to Scotland, which he believed at the present time did not want a single harbour. Since the Act of Union, Scotland had obtained £1,500,000 more than Ireland for fisheries; and until a very few years ago Scotland received £7,000 over and above the sum granted to Ireland for the same purpose. It would be a mistaken policy on the part of the right hon. Gentleman and the noble Lord—for if the right hon. Gentleman had not the key of the Treasury the noble Lord had it—not to sanction the £15,000 additional being given. The right hon. Gentleman had sufficient information

before him to know that not a third of the harbours could be completed with the proposed sum. There were four harbours in his (Mr. Blake's) own county, for which nothing could be done on account of lack of funds. Money was urgently needed to enable the unfortunate people living along those coasts to obtain a livelihood. If those harbours were not completed, the right hon. Gentleman might depend upon it that, on a future occasion, they would have to come before the House and ask for a larger grant to relieve the necessity of the population. He hoped, therefore, that he would be induced to increase the grant to £60,000.

MR. WARTON said, that as an English Member who viewed with the greatest concern some of the revolutionary schemes of the Government for confiscating property in Ireland, and who disagreed with that policy, he should wish to say a few words on that occasion in behalf of Ireland. He thought that, instead of confiscation and revolutionary measures, the best English policy was to develop the material resources of that country; and he must say that, for developing such resources as the railway system and fisheries, the sum under discussion appeared very small indeed. He earnestly hoped that the right hon. Gentleman the Chief Secretary for Ireland, who was very often squeezed to a considerable extent, would give what was a fair and legitimate sum for that purpose. He asked him, as the Minister of the Crown then present, to acquiesce in what had fallen from two different Irish Members of Parliament—namely, that £60,000 was required, and to grant that Amendment. He (Mr. Warton) could not agree with what had fallen from the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) as regarded the state of the Imperial Exchequer. Certainly, with the present Chancellor of the Exchequer and the Budget that had been laid before them, they could, he believed, well afford to part with some of the income they were sure to have. In all probability, the arrangements were intended to produce a larger sum to the Exchequer than they were told of. The calculations were, no doubt, arranged so as to produce a considerable surplus in order that they might look with astonishment at the wonderful financial ability of the Chancellor of the

Exchequer. He was perfectly certain that with such a noble purpose a supplemental grant would not be out of the way.

MAJOR NOLAN said, he hoped that as the appeal for an additional £15,000 had the support of the whole of the Conservative Party present in the House, the right hon. Gentleman the Chief Secretary for Ireland would not be hard-hearted, but give way on the point.

MR. W. E. FORSTER said, they had been charged with hard-heartedness, and their generosity had been appealed to. But it was absurd to talk of hard-heartedness in the matter; what they had to consider was the general requirements of the Public Service and the interests of the country all round. It was quite an exceptional thing to make a grant at all, more so one of £30,000, and still more so to be asked to increase it afterwards to £45,000. He must repeat to the Committee that he did not think it possible to go any further than the sum they had stated. He was bound to state that £45,000 was what they had been asked for, and probably if they had granted £60,000 they would have been asked for £80,000, and if they had given £80,000, hon. Members would have asked for £100,000, and so on. There had been a good deal of talk about different harbours about the country; but that was not the object which had been brought before the Government. It was the case of the stormy West Coast, where fishing was the only alternative occupation, and they were asked that small harbours might be constructed. He would not put his information against that of the hon. Member for Waterford County (Mr. Blake); but they had acted on the testimony of the Fishery Department, and several piers were expected to be made at a small cost. No doubt a great deal was required to be done; but it could not all be done under that Act. It was impossible, by the present measure, to develop the resources of Ireland. When that was done, it ought, he thought, to be done by loan and not by grant. He was sorry that what they had done was referred to as being miserable. The only reply he could give to that was, that it was not their own money they were dealing with, but they were the trustees of the money of the public. He never expected to get much thanks for the grant, if any. There

was no reason why they should be thanked for doing what was best, considering the balancing of the claims of all concerned, and the exceptional circumstances of the case. He believed that the £40,000 they had, or even the £30,000 of the grant, would give a good number of cottiers in those distressed districts employment, and they had apparently nothing to do at present but miserable cultivation—no alternative employment whatever.

MR. DALY said, they ought to bear in mind the circumstances under which the grant was given. They might be told hereafter that when the question was raised they had not stated that £45,000 would be insufficient. That sum of £45,000 consisted partly of £10,000 from Canada, and £5,000 from Liverpool, making together £15,000. If he understood the noble Lord (Lord Frederick Cavendish) rightly, he had said that, in case those contributions were by any means diminished, the Government would increase their grant in proportion. Could he not see his way to making the increase without that diminution taking place? They only asked for a sum of £15,000, which represented only £450 a-year. The whole question was a paltry one, and he trusted the Government would see their way to yield to the wishes of Irish Members with regard to it.

Question put, and *agreed to*; words *substituted* accordingly.

MR. BLAKE moved as an Amendment, in page 3, line 21, after "eighty," to insert "one."

LORD FREDERICK CAVENDISH said, the special object of the Government in inserting the date 1880 was to give immediate relief; but he would not object to the Amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 6 (Terms upon which Commissioners may undertake works).

MR. BLAKE, in moving, as an Amendment, in page 3, line 26, to leave out from "Commissioners" to "Commissioners," in line 35, and instead of "Commissioners" insert "they," said, he wished to draw the attention of the Committee to that and the following

Amendment which he had on the Paper. If the clause were agreed to as it stood, not a single harbour would be erected on the West of Ireland, or anywhere else. The local contributions, being a fourth of the whole cost, were raised with the greatest possible difficulty. These districts were distressed districts, and it was not easy to raise the necessary amount. The conditions, as put in this 6th clause, amounted to this—that in the event of the estimate formed by the engineer of the Board of Works falling short of the sum required for completing the work, the locality must undertake to give their proportion, or a fourth of whatever might be in excess. Supposing the estimated sum for a harbour was £2,000. The engineer had gone down, and made an examination, and said that was the sum required. The Board of Works gave £1,500, and the locality raised £500 by local contributions. There was a condition of that character at present; but the locality was not bound to any sum in excess. The work might come to £3,000 or £4,000, and with the condition compelling the excess sum to be contributed locally in proportion, it would be hopeless at present to get the conditions complied with. It was hard enough to get the fourth, as calculated in the first instance. What he wished was, that when an engineer officer of the Board of Works went down, and made an inspection, in the event of the work not being completed for the estimated sum, the excess should be drawn out of the Consolidated Fund. As it stood at present, so far as the piers and harbours on the West of Ireland were concerned, the Bill was not worth the paper it was printed on. From his experience as a Fishery Inspector, he knew that the localities would not bind themselves to a fourth of whatever the excess over the estimate might be. He asked the noble Lord (Lord Frederick Cavendish) and the Chief Secretary for Ireland to ponder well on what he said, and, if necessary, to suspend the clause until they had communicated with the Fishery Board in Ireland; and if they did not confirm what he said he would withdraw his opposition to the clause.

LORD FREDERICK CAVENDISH said, he fully admitted that, with this provision, there would be great difficulty in the way of immediate expenditure of this money. He was willing to with-

draw the words, and accept the first Amendment, but not the second. If it was found that the actual cost was likely to exceed the original estimate, then the matter would stand over for consideration. The object of the hon. Member would be attained if he (Lord Frederick Cavendish) consented, as he now did, to the withdrawal of those words.

Mr. PARNELL said, what would be the effect of adopting the first Amendment and not the second one? It appeared to him, in that case, the work would be stopped, and not proceeded with.

Mr. BLAKE said, as the law stood at present, if the estimate amounted to £2,000, and the proposal of a contractor to £3,000, it was optional for them to say that they would go on or not; but as the clause stood it was compulsory. His subsequent Amendment was to the effect that when the Board of Works engineer estimated the cost, and it was found when the work was proceeded with that an extra sum would be needed, then that sum would be borne by the Board of Works. If they made a blunder, it was right that the sum needed should come from them.

Amendment agreed to.

Mr. BLAKE, in moving a further Amendment, in page 3, line 40, after "that," to leave out to end of paragraph in page 4, and insert—

"In any case where the actual cost shall exceed that estimated by the Engineer of the Board of Works, then the entire of such excess shall be defrayed out of any moneys placed at the disposal of the Commissioners by Parliament for the making of loans or grants,"

said, it was a very reasonable proposal. As Inspector of Fisheries, he had recommended harbours to be made, and got the parties to raise the sum originally estimated; but it was found that the contractors estimated higher, and numerous useful works had, in consequence, to be abandoned. In the present impoverished state of the country that was more likely to occur than ever. The works were of a very simple character, and required no great engineering skill to calculate the cost; and if reckless calculations were made the cost should come from the Board of Works. If the proposal was not acceded to, a great deal of the good intention of the Bill would be destroyed.

Lord Frederick Cavendish

Mr. RAMSAY said, he hoped, before the right hon. Gentleman acceded to the Amendment, he would consider the source from which the money, if it was required in consequence of the error of the engineers, was to be drawn. The hon. Member for Waterford (Mr. Blake) had no care of the interests of the taxpayers of Great Britain. It was said that the money for the relief of the Irish distress was to be taken from the Irish Church Surplus Fund. For that very reason, the matter had received less consideration on the part of the Members for Great Britain than it would have done if the money was to be taken from the Consolidated Fund; but the proposal now before them was to take from an Imperial fund the money required for works in Ireland, as to the value of which there was room for diversity of opinion; and he conceived it would be necessary to pause before granting the principle of this Amendment, which would impose a burden upon the taxpayers of this country without regard to their wants and wishes. He protested against the adoption of the Amendment, and he hoped the right hon. Gentleman would not accede to it. He had listened with great interest to the discussion that had taken place, and had heard, with pleasure, the persistent efforts of hon. Members opposite to get money for purposes which might be of use to the people of Ireland; but when they came to ask for money which would come out of the pockets of people living on the West Coasts of Great Britain, where harbours were as much needed as in Ireland, he thought it was requisite to pause. There was a point beyond which the Members for Scotland and England could not be expected to go.

Mr. BARRY said, unless this Amendment was adopted by the Committee, the whole clause would be, to a large extent, practically inoperative. There was the keenest distress in this part of the country, and he was quite sure the prospect of a large and indefinite expenditure would deter any expenditure whatever. The Government ought to consent to the Amendment. If the Government Inspector sent down to make an estimate made a serious blunder, and fell short by some thousands of the amount required, it was a hard case that an impoverished district had to contribute to meet a portion of the blunder.

MR. W. E. FORSTER said, if the hon. Member for Waterford (Mr. Blake) would withdraw the Amendment, he would move that the whole of the paragraph dealing with excess be deleted, so as to meet the Amendment previously carried.

MR. BLAKE said, he wished the Board of Works to make correct estimates; and where they did not make correct estimates it was a small affair that they should pay the excess. If they made an erroneous calculation they should pay for it, and useful works should not be abandoned.

MR. W. E. FORSTER said, if the words he (Mr. Forster) had alluded to were struck out, then Notice would be published of the intentions of the Board of Works to undertake the works, and, by the clause, the works would be proceeded with. The suggestion of the hon. Member to insert words in the clause went a great deal further. With regard to the estimates, he said the engineer ought to be quite safe. The result of putting it in that way would probably be disadvantageous to the matter in hand; for it would be a strong stimulus to the engineer to put the estimate at too great a height, so as to be within the actual outlay. He thought the clause might be fairly left without any proviso. The result would be that upon the reception of a Report the Board of Works would begin the work. They would spend three-fourths of the money upon it; and he did not think it at all likely they would give it up without very strong reasons. What they probably would do, if left to themselves, was to ask the parties locally interested whether they could not subscribe the other fourth.

MR. BLAKE said, he did not want to worry the right hon. Gentleman, because he had been worried enough; but he could give cases in point where the work was left unfinished, and liable to be swept away with the first heavy storm, in consequence of localities being unable or unwilling to meet expenses beyond the estimated cost. They might depend upon it, if this was put upon the Board of Works, the estimates would be correctly made.

MR. W. E. FORSTER said, he did not think there would be any difficulty in raising the fourth, as he could not believe that the distress was so great that the very small sum of a fourth of

the excess could not be found. He thought they could leave it safely with the Board of Works.

MR. BLAKE said, to save further trouble, he would withdraw the Amendment.

Amendment, by leave, withdrawn.

MR. ARTHUR O'CONNOR complained that a very useful provision of the Piers and Harbours Act would not be available under the terms of the Bill. Clause 4 of the Fishery Piers Act prescribed the conditions under which a grant should be made as follows:—

“And the amount of any such grant shall not exceed three-fourths of the total actual cost of any such work, and such grant shall only be made on condition that the repayment of the residue of such grant shall be secured or agreed to be secured by the county or district, or proprietors of lands, which or who, as hereinafter [directed, ought, in the opinion of the said Commissioners, to provide for securing the same.”

The 5th clause went on to provide that not only might the Commissioners grant three-fourths of the total expenses, but that if the locality failed to provide the other fourth the Commissioners might advance it on loan at interest. Now, it seemed to him (Mr. Arthur O'Connor) that, considering the difficulties which had beset many of these piers in different parts of Ireland, it would be a very good thing if the Government would consent to leave in that provision, in order that, in cases of emergency, the Board of Works might have the power to advance on loan that fourth part which the locality could not supply.

MR. W. E. FORSTER said, he thought the hon. Member for Queen's County (Mr. Arthur O'Connor) rather misunderstood the objects with which they started, one of which was to get the work done as quickly as possible, and that was why they had not put in these clauses of the Fishery Piers Act.

Clause, as amended, agreed to.

Clause 7 (Power to undertake works); and Clause 8 (Management and maintenance of works when constructed) severally *agreed to.*

Clause 9 (Supplementary provision as to presentments).

MAJOR NOLAN suggested that the clause should be postponed, because it contained a reference to Clause 4.

Question, "That Clause 9 be postponed," put, and *agreed to*.

Clause 10 (Interpretation).

MR. W. E. FORSTER, in moving, as an Amendment, to add the following words in page 5, line 17:—

"The term 'scheduled union' means a Poor Law Union, which, or any division of which, was comprised in any Schedule published by the Commissioners of Public Works in the 'Dublin Gazette' as a union or division in which loans might be made in accordance with the notices of the said Commissioners dated the twenty-second day of November one thousand eight hundred and seventy-nine and the twelfth day of January one thousand eight hundred and eighty,"

said, he moved the addition of these words to define the meaning of the term "scheduled Unions." It was necessary to put in that definition.

MR. CALLAN said, he had hoped the right hon. Gentleman would have continued the discretion of the Local Government Board, and not have confined the Bill to the Unions which were scheduled several months ago, because since then distress had arisen in other Unions, and more accurate information could now be obtained. He thought they should give the Local Government Board full power to name the Unions.

MR. W. E. FORSTER thought that, considering what the Committee had done in the earlier part of the evening, they ought to take the same definition here as there. He would withdraw the Amendment, and define the Unions in the same manner as they had been defined by previous Amendments.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Question, "That the postponed clauses be postponed until after the new clauses have been considered," put, and *agreed to*.

MR. W. E. FORSTER moved, as an Amendment, in page 5, after Clause 9, to insert the following Clause:—

(Amendment of terms of loans to boards of guardians.)

"The fourth and fifth sections of 'The Relief of Distress (Ireland) Act, 1880,' shall be amended, so far as relates to scheduled Unions, as follows (that is to say):—

"(1) The term for which money may be borrowed by the board of guardians of any scheduled union shall be extended to twelve years. The rate of interest at which the Commissioners of Public Works may lend

to any such board of guardians shall be reduced to one per centum per annum; and, in the case of any loan by the Commissioners of Public Works to any such board of guardians, the payment of the first instalment payable in respect of such loans may, with the consent of the Treasury, be postponed for any period not exceeding two years from the making of the loan, and no interest shall be charged on such loan during any such period of postponement of payment of the first instalment;

"(2) In addition to the purposes specified in the said fourth section as the purposes for which a board of guardians may borrow, any board of guardians which has contracted any loan under the provisions of the said Act may borrow money to pay off such loan;

"(3) So much as may be necessary of the said sum of one million five hundred thousand pounds payable by the Commissioners of Church Temporalities to the Commissioners of Public Works shall be applied by the Commissioners of Public Works in making good any advance by way of loan which they may make to a board of guardians under the authority of 'The Relief of Distress (Ireland) Act, 1880,' upon the terms prescribed by this Act;

"The provisions of the nineteenth section of 'The Relief of Distress (Ireland) Act, 1880,' shall apply to the repayment of all amounts advanced as last aforesaid by way of loan to Boards of Guardians, as fully as if such advances had been specified in that section."

The right hon. Gentleman said, that whereas Boards of Guardians were empowered to give out-door relief, and to borrow money, which the National Debt Commissioners were to lend at the usual terms of 3½ per cent, the Amendment was to enable the Boards to borrow out of the Church Surplus Fund for the same term of years, with an additional two years at no interest, and afterwards interest at only 1 per cent.

New Clause (Amendment of terms of loans to Boards of Guardians) *brought up*, and read a first time.

Motion made, and Question proposed. "That the Clause be now read a second time."—(*Mr. W. E. Forster.*)

MR. GIBSON said, he was not sure that he thoroughly understood the clause. He understood the right hon. Gentleman (Mr. W. E. Forster) to state that it was to enable money to be advanced to Boards of Guardians at 1 per cent out of the Irish Church Surplus; but that was not, he thought, the construction of the clause, taking it altogether. It was to be read, of course, in connection with the Relief of Distress (Ireland) Act, 1880, which

it sought to amend; and that enabled loans to be made to Guardians out of money provided by Parliament. Bearing that in mind, let them read the clause proposed. The clause was divisible into three sub-sections; the first being that the term for which money might be borrowed should be extended to 12 years. That was a general statement; it might be good or bad policy, but he did not dispute it. The second enabled Boards to borrow money to pay off those loans, and he did not question the prudence of that. But then came the 3rd sub-section, which, in no respect, governed or was controlled by the previous sub-sections. It was entirely independent, and might stand or fall by itself. It might be struck out or retained, and would not operate in the slightest degree upon the two previous ones. He should say it was subsidiary and complementary, but not governing. But did the right hon. Gentleman mean to exclude all other resources than the Church Surplus? He apprehended that if the clause were passed, money voted by Parliament would be a source out of which loans might have to be made, so far as it was necessary to supplement this £1,500,000.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the intentions of the clause varied, and applied to any money borrowed for the purposes of out-door relief. He would be prepared to add a word or two to make it clear.

Question put, and *agreed to*.

Motion made, and Question proposed, "That the Clause stand part of the Bill."
—(Mr. W. E. Forster.)

COLONEL COLTHURST moved, as an Amendment, in line 5, to leave out "twelve" and insert "thirty-five." He admitted that some of the reasons which might induce the Committee to accept the Amendment had been modified by the action of his right hon. Friend (Mr. W. E. Forster) with respect to the proposal of the hon. Member for Cork City (Mr. Parnell); but he (Colonel Colthurst) claimed the credit of having made the proposal when the hon. Member for Cork City moved his Bill for the relief of distress. He (Colonel Colthurst) then suggested that the Boards of Guardians should be the channel through which

relief should be given. He had been denounced in Ireland by the special *protégés* of his hon. Friend opposite, and he supposed those denunciations would now be withdrawn, seeing that the hon. Gentleman had practically adopted his suggestion. In February last he proposed that the same favourable terms as were given to the landlords—namely, loans for 35 years at 1 per cent interest, should be given to Boards of Guardians for purposes of out-door relief, because he had all along felt that the true way to meet this crisis was through the liberal administration of Poor Law relief; but that the Guardians ought to be forced to give out-door relief, and they could not force them to do so unless they gave them liberal terms. The question was, whether, after the concession Her Majesty's Government had made, the Amendment was still necessary. He humbly submitted it was, because, as the hon. Member for Dublin (Dr. Lyons) had pointed out, the £200,000 to be given in grants, as proposed by the hon. Member for Cork City, would go but a very little way. Perhaps it was because he was enamoured of his own suggestion; but he believed that his proposal to advance £200,000 and such further sums as might be found necessary for 35 years at 1 per cent was a better proposal, taking the interest of the poor into consideration, than the proposal of the hon. Member for Cork City, which had been adopted by the Government. However, that was a matter that was done, and he would now ask the Government to accept his Amendment.

MR. W. E. FORSTER proposed to alter the wording of the first sub-section of his clause by omitting the words "scheduled Unions" and inserting the words—

"Any union authorized to give out-door relief under the 3rd Section of 'The Relief of Distress (Ireland) Act, 1880.'"

MR. CALLAN was afraid the words would have a restrictive effect. He wished to leave the Local Government Board full power to extend the provisions of the Act to any Unions in which circumstances might hereafter occur which, in their opinion, justified such extension. He would suggest that the words "scheduled Unions" be left out and not replaced by any other definition, unless it were made to read in this way—"Any Board of Guardians

approved of by the Local Government Board." That would leave the Board perfectly free.

MR. W. E. FORSTER thought the words he had proposed were sufficient. The Poor Law Board had full power to use its discretion with regard to the Unions.

MR. CALLAN said, if the hands of the Board were not tied, he was satisfied; but he should like to know the exact effect of the Amendment. To what Unions would the operation of the clause be restricted?

MR. W. E. FORSTER replied, that it would be restricted to whatever Unions the Local Government Board found it necessary, in consequence of the state of distress, to give out-door relief. It applied to all Ireland upon the discretion of the Local Government Board.

COLONEL COLTHURST said, he would repeat his Amendment.

MR. W. E. FORSTER hoped his hon. and gallant Friend would not press the Amendment. He hoped the Boards of Guardians would be able to get on with the grants; but, if they required loans, he thought it would be better not to have more than the two descriptions of loans now existing and the possible grants. Besides, 35 years was a dangerously long time.

COLONEL COLTHURST said, of course, he would not press his Amendment against the wish of the right hon. Gentleman or the Committee; but he regarded the administration of out-door relief as the real, vital question at that moment, and he wished to induce the Boards to be liberal in giving out-door relief. Therefore, he thought there was quite as good a case for granting loans for that purpose as for sanitary purposes.

Amendment, by leave, *withdrawn*.

MR. W. E. FORSTER said, he understood the point of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) to be that these loans should not be extended to every purpose for which Boards of Guardians might borrow.

MR. GIBSON explained that, in his view, the construction of the clause seemed to supersede the right of borrowing from Imperial funds.

MR. W. E. FORSTER said, that was not the intention. It was intended to

Mr. Callan

confine the clause entirely to loans borrowed for the purpose of out-door relief. He would introduce some explanatory words on the Report.

Amendment (*Mr. W. E. Forster*) agreed to.

MR. GIBSON pointed out that a consequential Amendment must be made in the two other sub-sections of the clause, in accordance with the Amendment which the right hon. Gentleman the Chief Secretary for Ireland had proposed, as to the definition of the Unions. If they inserted the words "of any Union as aforesaid" it would make the sections harmonize. He wished to know whether certain Unions which had borrowed money under the old system would have the benefit of the new proposal? He also suggested that in the 3rd sub-section the word "necessary" should be replaced by the word "available;" because it was obvious that they were putting so much on this £1,500,000, that if it were made compulsory to do everything out of it, according to that Amendment, it would be an impossibility.

MR. W. E. FORSTER said, he would accept the words "of any Union as aforesaid." Three or four Unions had already borrowed money since the last Bill, though not to a large extent; and, of course, they would feel themselves in a very unfair position if neighbouring Unions were now enabled to get loans at a cheaper rate. That was the reason why this clause was put in. He moved to omit, in lines 15 and 16, all the words from "in addition" down to "borrow."

Motion made, and Question proposed, "That those words stand part of the sub-section."

MR. GIBSON said, he was not sure that identity of meaning would be accomplished in that way, and would suggest that the necessary alteration of the wording might be done on Report.

MR. W. E. FORSTER said, he would like to get it done now. He would, therefore, move to insert in the same sub-section the words—

"The Board of Guardians of any Union authorized as aforesaid which has contracted any loan under the provisions of the said Act for out-door relief,"

after striking out from "any," in line 16, to "Act," in line 18.

and in this I am supported by the concurrent opinion of almost every officer whom I have talked with on the subject, from Field Marshals down to subalterns, of the highest educational authorities, and; I must add, by the general common sense of the public—that a better system might be introduced, which would secure all the good results of the present system without any of its inherent disadvantages, of which examples from time to time, though, I admit, not very flagrant ones, are seen. Mr. Cardwell said, “Let us have the most learned officers we can get, provided they pass a medical examination;” which I know, on excellent authority, was some time ago far from a severe one. I say, Let us have the best men all round, intellectually and physically, as far as competitive examination can enable us to test them. And do not let us be told that, if riding is one of the subjects, injustice will be done to the sons of parents who cannot afford to mount their sons. The object is not to secure a good race, but the best winners. As I said once before, in taking servants ourselves, we look to their qualifications for the work they have to do; we do not ask what facilities for obtaining the requisite training they had enjoyed. As there may be, and in past times has been, an unfair preference for favoured families in military as well as civil appointments, so there may be an unfair preference for less qualified over better qualified candidates for the Army under a false plea of fair play. All we have to look to is obtaining the best article we can for our money, without giving any unfair protection to inferior articles, because they happen to be of the middle instead of the higher class. A fair field and no favour is the sound principle. If riding, which is a very important one, be, which I do not believe, such a very costly accomplishment to acquire, let the country have the advantage of officers who have become efficient in it at no expense to the Treasury. Do not us have in these days a disguised Protection for inferiority in qualifications, a clap-trap favouritism to the relatives of middle-class constituents. I have been for 40 years a Free Trader, and I protest against Protection to high or low, middle class or wage class. In conclusion, I will very shortly recapitulate the

argument in favour of the adoption of the Report of the Joint Committee. I protest against this imperfect scheme of yesterday—a quite recent innovation—being treated as if it were a time-honoured institution, not to be touched without hazard by any innovating hand, when the secular system of Purchase, though it had worked well, had been superseded by the competitive system, because that was expected to work better. Secondly, I protest against the bugbear of hopeless impracticability being raised against the additional examination recommended by the Joint Committee, when they indicate so plainly how easy and practicable would be the means of carrying it out with regard to the limited number of candidates which would have to be dealt with. Thirdly, I protest against the ignorant talk of literary and educational enthusiasts about the supreme importance of book-learning and high intellectual culture, and the unimportance of physical strength and activity in officers—placing a knowledge of Chaucer above skill in riding, and a knowledge of Lucretius above swimming. Fourthly, I protest against a bounty being given at the expense of the country to the less wealthy in the shape of the admission to the Army of candidates of their class giving less promise of future efficiency as officers, in the place of candidates from a richer class giving greater promise of efficiency as officers. Let the country get the best officers it can for its money; not merely the most learned, but the best officers all round—as far as these can be tested and selected by examination.

LORD DORCHESTER said, he had great pleasure in supporting the views of his noble Friend who had just sat down (Earl Fortescue). The subject to which his noble Friend had called attention was of the utmost importance and deserved every consideration at the hands of their Lordships, and he believed that there was no tribunal better qualified to give an opinion on the subject than their Lordships’ House. In addition to the Report to which his noble Friend had alluded, there was another, the Report of Lord Airey’s Committee on the Organization of the Army, which he regretted had not been presented. That Report was sure to ooze out through the news-

papers. He thought it ought to be produced.

EARL GRANVILLE rose to Order, and suggested to the noble Lord that it was irregular to allude to a Report not before the House, and which was on a subject not before the House.

LORD DORCHESTER said, he accepted the noble Earl's apology. [*Much laughter.*] He begged pardon—he bowed to his reproof; but he might add that he believed the Report to which he had alluded would throw much light on the matter. He begged to support his noble Friend (Earl Fortescue) in every observation he had made. Good riding was, of course, indispensable in the Cavalry; but he held, from his own experience of 25 years, that it was highly useful to Infantry officers and to Naval officers also. [*Laughter.*] He repeated that it was useful for Naval officers, who occasionally might have to ride with despatches across a strange country. It was a well-known fact that a distinguished member of the Naval Profession had obtained great credit in the Crimea for carrying despatches on horseback in an enemy's country.

VISCOUNT ENFIELD said, that as his noble Friend (Earl Fortescue) had alluded to the Report of the Joint Committee, he wished to explain, as representing the Civil Service Commission, that the Commissioners saw no paramount difficulties in the way of a physical competition in the case of candidates for the Army; but, at the same time, they felt that unless they should be adequately supported in that view not only by the authorities at the Horse Guards and the War Office, but also by public opinion outside their Lordships' House, no steps ought to be taken by them. If they were asked to do so, they were perfectly ready to carry out such alterations in the examinations for entrance to the Army as would secure a mixture of physical competition with other subjects now required of candidates. The inquiry originated in this way. On the 20th of December, 1877, Lord Hampton made a private suggestion on this subject to the Secretary of State for War. Soon after the Civil Service Commissioners, through their Secretary, wrote to the Director General of Military Education, assenting to a conference on the subject, as suggested by Mr. Gathorne Hardy, the then Se-

cretary of State for War. In February, 1878, the Joint Committee met in Cannon Row—Lord Hampton, Sir George Dasent, and Mr. Walrond, as Civil Service Commissioners; the Director General of Military Education (Lieutenant General Beauchamp Walker), the Assistant Military Secretary (Major General R. B. Hawley), and the Assistant Adjutant General (Colonel G. R. Greaves), representing the military authorities. Previously to making their Report, which they did on the 26th of April, 1878, the Joint Committee circulated questions on the subject of their inquiry to General W. C. E. Napier, Governor of the Royal Military College at Sandhurst; Major General Sir John Miller Adye, Governor of the Royal Military Academy at Woolwich; Major General Sir Archibald Alison, Governor of the Staff College at Aldershot; and to the head masters of these 18 public schools—Charterhouse, Cheltenham, Clifton, Dulwich, Eton, Harrow, Haileybury, Malvern, Marlborough, Merchant Taylor's, Repton, Rugby, Sherborne, St. Paul's, Westminster, Wellington College, Winchester, and Uppingham. He thought he was correct in saying that out of the replies received from the 21 military and civil authorities thus consulted, 14 were variously though not wholly favourable to the proposed scheme, and that while those distinguished persons who were favourable to it thought with the Joint Committee that there would be an advantage in having a physical as well as a literary examination, they, as well as the Joint Committee, were of opinion that the former ought not to be compulsory. The subjects recommended by the Joint Committee for physical competition were riding, walking, running, leaping, swimming, and gymnastics; but they recommended that the candidate should only be at liberty to select three out of the six subjects, and that the maximum number of marks for them should be 1,200. The Report of the Committee was sent in on the 26th of April, 1878, and on the 28th of the same month another conference was held between the Civil Service Commissioners and the War Office Representatives; but nothing definite was agreed upon, the Civil Service Commissioners not regarding themselves as having any authority to undertake examinations under the pro-

posed scheme, except in the circumstances he had already indicated. There was this Memorandum—

“At a meeting held at the Office of the Civil Service Commission on May 28, 1878, in pursuance of a letter from the Director General of Military Education, dated the 24th of that month—present, Lord Hampton, Lieutenant General Walker, Sir George Dacent, Mr. Walrond—General Walker having, after some preliminary discussion, suggested that the Commissioners should put themselves in communication with such persons as they might think fit with the view of settling the method of carrying out the proposed physical competitions for the Army, the Commissioners stated that they did not regard themselves as having authority at present to take any action in the matter, but that they would be quite willing to undertake the arrangement and superintendence of such examinations if informed that it was the wish of the Secretary of State for War and His Royal Highness the Field Marshal Commanding-in-Chief that they should do so, and General Walker was requested to report to His Royal Highness accordingly.”

From the 28th of May, 1878, nothing more was done in the matter till the 28th of February, 1879, when his noble Friend brought it under the notice of their Lordships' House. On that occasion, it appeared that the Commander-in-Chief and the then Under Secretary of State for War (Viscount Bury) were not favourable to the proposed alterations. The Under Secretary of State said—

“It was true that his right hon. and gallant Friend the Secretary of State for War was at first disposed to carry out the recommendation of the Committee; but on considering it, and taking the opinion of military authorities, he found that difficulties of an insurmountable nature presented themselves against giving effect to it, and therefore he would not advise the Government or Parliament to endeavour to carry it out.”—[3 *Hansard*, cccliii. 1951.]

The illustrious Duke said, in the same debate—

“He felt strongly with noble Lords who had addressed the House; but he must honestly confess that when he came to the question of bringing the proposed system into practice, he found it would be utterly impossible to do so—he did not himself see how it could be done; and two distinguished officers, who signed the Report, being present when the question was further discussed, could not give any plan as to how their own recommendation could be carried out. If the recommendation should be adopted, it would change the whole present system of education, and changing the whole system was an extremely grave matter. . . . There might be very good grounds for doing this, and possibly there might be found a reason for combining the two things; but, he and his noble Friend at the War Office having given every consideration to the matter, he did not see how it was possible

to combine the two things. . . . The other day his representative, General Lyons, the Quartermaster General, went down to Sandhurst, and he said that he never saw a finer or a better set of young men than he saw there. . . . He (the Duke of Cambridge) himself had also been struck with the qualifications of the young men.”—[*Ibid.* 1592-3.]

After those two speeches, the Civil Service Commissioners did not think it right to take any step in the matter, though they were not opposed to the proposed changes, if the Horse Guards and the War Office authorities thought them desirable for the welfare of the Army. He (Viscount Enfield), however, believed he was correct in stating that the late Secretary for War and the Commander-in-Chief were opposed to any action being taken in the matter. For himself, he did not see how the scheme could be worked out. A better class of young men than they obtained at present could not be had. The Commissioners themselves deprecated the continually stirring up of this question, which only unsettled the minds of parents of candidates and of tutors, who did not know what alterations in the system of Army examinations might be contemplated. Besides, all history and all experience showed that it was quite possible to combine the highest military education and knowledge even with a somewhat deficient physical exterior. He begged to remind his noble Friend that Lord Macaulay, referring to the Battle of Neerwinden, mentioned—

“The hunchbacked dwarf who urged forward the fiery onset of France, and the asthmatic skeleton who covered the slow retreat of England.”

No doubt, physical qualifications were of great importance; but he thought that if the preliminary private medical examination which preceded the literary examination was fairly carried out, in all probability no officer physically incompetent could be admitted into the Army; and that if it were a real and a tolerably stringent one, the test of physical competence for entering the Army would be solved in, perhaps, a more satisfactory manner than by making the candidates run, jump, swim, or ride, as the noble Earl wished. At the same time, his Colleagues and himself were only anxious to meet the wishes of the military authorities and the public in a matter of such vital interest to the future

discipline and well-being of the Army; and with respect to any difficulties that there might be in the way of carrying out these alterations, he would venture to paraphrase an old French proverb, and say—"If it is difficult, it is done; if it is impossible, it shall be done." He repeated, however, that the Civil Service Commissioners claimed an unmistakable expression of opinion to guide them in the conduct of these examinations.

THE EARL OF MORLEY said, that while, no doubt, there was a considerable consensus of authority in favour of what his noble Friend (Earl Fortescue) proposed, he (the Earl of Morley) ventured to say he would succeed in showing that the authorities were not so unanimous on the subject as his noble Friend seemed to suppose. There could be no doubt of the proposition that it was desirable the officers of the British Army should be physically capable of withstanding the difficulties which they had to encounter from changes of climate and other causes in all parts of the world; but as to the plan now before the House, it was condemned last year by the illustrious Duke at the head of the Army, who, when speaking on the subject, while admitting the desirability of physical training, said he did not see how it should be allowed to take the place of intellectual capacity. He (the Earl of Morley) believed that his Royal Highness adhered to the opinion which he at that time expressed. Now, he put it to their Lordships that, on consideration of it, this plan would be found unnecessary and undesirable; and, even if it were practicable, it would be almost impossible to carry out. He would now call attention to the recommendations of the Joint Committee; but he would, in the first place, remind the House that they considered that nothing should be done to interfere with the reward of superior mental training. He did not, however, think the Committee, who had not gone into details, showed in their Report how a physical competition of the kind suggested by them could be introduced without interfering with the rewards given to superior intellectual merit. The physical tests proposed by them were six in number, and any candidate was to be allowed to take up three of them, and no marks were to be given unless the candidate

reached a certain efficiency. As to the first subject they recommended—riding, he did not concur with his noble Friend in thinking that the rich would have no advantage in a competition in that branch. His experience might be different from that of his noble Friend; but he thought that keeping horses and riding them was an expensive amusement, and it was not every young man who had a desire to satisfy this test who could afford to keep a horse in the exercise of which he might acquire that qualification. Then, in walking, the minimum rate was to be a mile in 10 minutes, or six miles an hour. Many young men could attain that speed; but, as a minimum, it was preposterously high, and he would like to know how many candidates would succeed in walking at that pace? The test for running was one mile in five and a-half minutes. The minimum for jumping was 4 feet 6 inches, and for the leaping 15 feet. Need he say more? He did not think that many candidates would come up to any one of those minimum standards. The physical tests proposed, even if fully carried out, would not insure the results desired. Walking six miles an hour, for instance, was a feat which required a certain knack rather than great powers of physical endurance, and a man might fail in it who could cover his 30 miles without fatigue. Then there were practical difficulties in the execution of the scheme which had, probably, not been sufficiently considered by the Members of the Committee and many schoolmasters who had given their approval to this scheme. Where was this jumping and running to take place? It would, of necessity, be private; but it would, at the same time, require a place like the Agricultural Hall or the Lillie Bridge Grounds, to be carried out in; and some 300 or 400 young men running and jumping after their commissions would form, to say the least of it, an extraordinary spectacle. Again, were these tests to come in at the preliminary, or at the final, examination? If at the former, something like 800 candidates would be engaged in these athletic contests, and a considerable organization would be necessary; but, if at the latter, then the literary examination might have the effect of weeding out those who physically were the most effective. The scheme, in fact, did not appear to be a

well-considered or practical one, and it was condemned by no less an authority than Sir John Adye, than whom it would be difficult to find a better judge of the moral and physical qualities requisite in candidates for the Service. Such a protest ought to carry weight as against the opinion of the schoolmasters, who, by the way, were not unanimously in favour of them. If the proposed change were made, it was clear that the success of candidates under the system would depend not so much on their constitutional powers as on the particular state of "training" in which they happened to be when they presented themselves. He ventured to think that such tests would fail to produce the kind of officer required. They would even, he believed, be seriously prejudicial to the young men who engaged in them, as it was a notorious fact that severe physical exertions by young men at the age of 17 years caused great harm in after years. Moreover, the Government, by sanctioning them, would appear to affix a stamp upon the system of athletic competitions, which was already too prominent in schools, and so, indirectly, do mischief. If it could be shown that the physique of the Service had deteriorated, something, of course, would have to be done; but he was assured by those who had the best means of judging that we never had a finer lot of young men at Sandhurst and Woolwich than at this time, both as regarded physical and moral qualities. Then why, after considering the average good resulting from the present system, should they change it? The system gave a very good class of men—men of excellent intelligence—and under the present condition of warfare it was most important to have men of good intelligence. They were subject to a sort of natural selection, for weakly youths naturally shunned the Army, with its physical hardships, and they were not too strictly weeded by the examination process. The puny bookworm was not a man likely to seek a military career, and, therefore, there was no danger of any such finding their way into the Army. The examination for the Army was a test of good average intelligence—a quality very essential in modern warfare; it could scarcely be described as of a very high intellectual standard, and candidates once admitted to Woolwich or Sandhurst obtained an admirable phy-

sical training. He was assured that they were thoroughly practised in riding and other manly sports, which, it was hardly necessary to say, were a totally different thing from the competitive tests now proposed. He hoped the noble Earl, after what had been said, would be satisfied that the working out of the details of the scheme recommended by the Committee would be attended with so much difficulty as to render it almost impossible. It would be an undesirable scheme, and absolutely unnecessary. He also hoped his noble Friend would be satisfied with that answer, and not bring forward the question again, inasmuch as such discussions tended to unsettle the public mind and to make candidates uncertain as to what subjects they would be expected to learn.

THE DUKE OF CAMBRIDGE said, that he had really nothing to add to what he said in February, 1879, when he spoke of the physical advantages possessed by the young officers in the Army. He entirely denied that there was any physical deterioration on the part of the cadets of Woolwich or Sandhurst to justify the change proposed. He admitted there would be great advantage in the physical requirements which the noble Earl (Earl Fortescue) wished to introduce; but, at the same time, he (the Duke of Cambridge) must point out that they were at present a remarkably fine body of young men, and they had ample opportunity, both at Woolwich and Sandhurst, of improving those physical qualities most required by their Profession. If our officers were deteriorated in this respect, and were, in consequence, not competent to perform their duties properly, those in authority would be desirous of making a change; but he denied that there was any such necessity at present. He would be glad if noble Lords would go down to Woolwich and see the cadets there, and he felt sure that they would be struck when they observed what a fine body of young men presented themselves. There might be some individuals among them of somewhat small stature; but he could assure their Lordships that most of them were 6 feet high. Of course, their appearance on the whole might be better, if some of them were not lower in stature than others. We gave them every opportunity of learning to ride, and the way in which they performed their exercises in the gym-

nasium was as good as anyone could possibly wish. With all this evidence before them, what more did they want? Why introduce a system which would be attended with great difficulty and inconvenience, and of which the results would be doubtful, for if it were carried out, it must place some young men at a serious disadvantage. No one said that the country was suffering from want of a good class of officers; he therefore hoped that this subject would not be brought forward again, for he did not see that the class of officers who were now obtained and who, it should be remembered, passed a strict medical examination, left anything to be desired. There were usually 700 or 800 candidates for 100 vacancies, and the competition was, consequently, very great. He did not, however, think that their Lordships would wish to see fewer candidates presenting themselves for examination; for the fact that they presented themselves in such numbers showed that the Service was popular, that the spirit of the nation was good, and that there were a great many young men who desired to exhibit their gallantry in the field, as well as to display their good conduct in quarters. He could not, therefore, regret that there was so large a number of candidates for so small a number of vacancies. He did not, moreover, think that anything ought to be done at present to change the system as it existed. It was, he believed, as satisfactory as it could be made; and although he was as much opposed as anybody to the system of cramming, he would observe that that necessity had not been created by the authorities, but rather by the number of competitors. He did not know that he could add anything to the answer which had been given by his noble Friend the Under Secretary of State, and he fully endorsed the arguments which he had laid before the House.

VISCOUNT BURY said, that, as he had an opportunity of going into this subject last year, he would not occupy the attention of their Lordships long. The reason why he rose was because the noble Earl (Earl Fortescue) said that in Parliamentary Motions there was nothing like perseverance if you wished to obtain success, and by that he supposed the noble Earl intended to bring forward this matter again; but he quite agreed with the noble Viscount (Viscount Enfield)

The Duke of Cambridge

at the head of the Civil Service Commission that it was extremely undesirable that any doubt should exist on the part of those who had to carry out the instruction of young officers, or on the part of the parents of those officers, or that the belief should gain ground that changes of a radical description were about to be introduced into the system of education for the Army. He, therefore, deprecated the bringing forward annually of such a Motion as the present by the noble Earl; and it was clear, in his opinion, that on both sides of the House it was not regarded as being practicable. In the speech of the noble Earl who opened the discussion there was, it appeared to him, an entire absence of any argument to show that the physical tests which he proposed were necessary in consequence of any deterioration in the *personnel* of young officers; and, if he might say so without disrespect to the noble Earl, it was much more a crotchet than a reality. His (Viscount Bury's) noble Friend the Under Secretary of State for War said he did not know at what period the physical test should be applied. Obviously, however, if it was deemed expedient to have recourse to such tests, they must be introduced at the very outset, and must form part of the medical examination; for public opinion would not sanction the proposal that they should be allowed to interfere with the intellectual tests. In that case, they would then find many difficulties in the way, and that they would not be supported by public opinion when they attempted to enforce it. It should also be borne in mind that there were 700 or 800 candidates coming up at every examination, and if the whole 800 were to be examined as suggested, it would be reducing, in his opinion, the whole system to a perfect absurdity. These young men came up to town at very considerable inconvenience to be examined, and if the time during which they were left about London was prolonged in order to carry into effect the proposed tests, then an extremely unfair tax would for insufficient reasons be imposed on their parents. He, therefore, agreed with his noble Friend the Under Secretary of State in deprecating the making of any change in the physical examination for the Army.

LORD HYLTON, after a careful perusal of the Report of the Committee,

was of opinion that the arguments opposed to a change outweighed those in favour of it. It would only protract the unreasonably long examination which young men now had to undergo. It was not so much, he thought, physical examination which was required as a reform in the mode of the examinations which were now carried on. At present, a number of young men were brought up from all parts of the United Kingdom, and literally cast adrift in London for more than three weeks; and he had no hesitation in saying, from his own knowledge, that many had failed to pass their examinations in consequence of the temptations to which they had been exposed while in London. If the examinations for admission to Sandhurst or Woolwich could be held at either of those places, it would, he believed, be a great advantage. If the staff at those Establishments was not sufficient, let it be increased; if more buildings were required, let them be built. He appealed to the Government—especially to the noble Lord at the head of the Civil Service Commission—but, above all, he appealed to the Commander-in-Chief, to assist in devising some plan to change a system which, as now carried out, was detrimental to the Service and to the country.

EARL FORTESCUE rose to reply, but—

THE DUKE OF RICHMOND AND GORDON interposed on the ground of Order. There was, he said, no Motion before the House, and their Lordships had already listened to the noble Earl with great indulgence. Beyond that, what had been said on the subject by the noble Earl had been fully answered by the noble Earl on the Treasury Bench (the Earl of Morley).

LANDLORD AND TENANT (IRELAND)— EJECTMENTS.

MOTION FOR PAPERS.

THE EARL OF ANNESLEY, in moving—

“That there be laid before the House, Return in tabular form for each county, of the number of civil bill ejectments, distinguishing ejectments on the title from those for non-payment of rent, tried and determined in each county in Ireland for each of the three years ending 30th June 1880, exclusive of ejectments for premises situate in counties of cities, boroughs, and towns, under the Act 9th Geo. IV. chap. 82., or

the Towns Improvement Act, 1854, or any local Act; also the number of persons re-admitted as tenants or care-takers:—Ejectments entered: on title; for non-payment of rent: decrees granted: decrees executed: dismisses: cases otherwise disposed of; stay put on decrees: re-admitted as tenants or care-takers.

“Also, Return, in tubular form for each county, of the number of actions of ejectments in superior courts commenced, distinguishing ejectments on the title from ejectments for non-payment of rent, and those tried and determined in each county in Ireland for each of the three years ending 30th June 1880; and the number of haberes issued and the number executed in the same period; also, number of persons re-admitted as tenants or care-takers:—Actions commenced: on title; for non-payment of rent: actions tried: on title; for rent: number of haberes issued: number of haberes executed: re-admitted as tenants or care-takers.”

“And also, Return for each county for the three years ending 30th June 1880, of the number of land claims in which the court certified under section 9. of the Land Act, that the non-payment of rent causing the eviction had arisen from the rent being an exorbitant rent; and of the amount awarded in each case for disturbance;”

said, Her Majesty's Government, with a view of relieving the distress in Ireland, had introduced a Bill which had for its object to release the tenant farmers of Ireland from the necessity of paying the debts owing to their creditors. A Return had been given by the Crown of the number of evictions that had taken place in Ireland, which stated that in 1877 there were 900 evictions, whilst last year there were 2,063. Those figures, however, were obtained from the Constabulary Force in Ireland; at least, it had been so stated in “another place,” and he (the Earl of Annesley) thought it was very doubtful, indeed, whether those Reports were to be relied upon. However that might be, he said that he did not believe that the landlords in Ireland ever did evict except under great provocation, and for their own protection. If there really had been 918 more evictions last year than in the preceding 12 months, the cause for such a state of things must be looked for in the baneful and unscrupulous agitation at present continuing in Ireland. He thought any noble Lord acquainted with the management of estates in Ireland would agree with him in saying that the large estates in Ireland were managed upon just principles towards the tenants. It was impossible to imagine that any landlord would attempt to evict a tenant in the Ulster Tenant Right district, because he would have to pay

an enormous sum for doing so; and, therefore, a landlord would not try, except in a case of absolute necessity. The Return which he asked for was very nearly the same as one which was ordered to be printed by the late House of Commons, and which he believed was now in course of preparation. He thought if the Return was granted, the public would have an opportunity of finding out the real state of the case.

EARL SPENCER said, the Return which the noble Earl (the Earl of Annesley) moved for was almost identical with a Return which was moved for by Mr. Lowther, when he was Chief Secretary to the Lord Lieutenant of Ireland, in March last. That Return would be in the hands of Parliament next week, and would give all the information asked for by the noble Earl, except the last portion, which asked for the number re-admitted as tenants or care-takers. He hoped that his noble Friend would be satisfied with the Return moved for by Mr. Lowther; and, if he desired, he (Earl Spencer) had no objection to the Return being made up to the 30th June of this year.

THE EARL OF ANNESLEY expressed himself satisfied to accept the Return in the form suggested by the noble Earl (Earl Spencer).

Motion (by leave of the House) *withdrawn*.

ELEMENTARY EDUCATION BILL.

(*The Lord President.*)

(NO. 106.) SECOND READING.

Order of the Day for the Second Reading, read.

EARL SPENCER, in moving that the Bill be now the second time, said, that it did not introduce any new principle, but was merely intended to carry out what the Act of 1870 first began. That Bill was extended by the Act of 1876. He did not, therefore, think it necessary to trouble their Lordships with any general statement, and he trusted that the Bill would not meet with any opposition from their Lordships. Briefly, the object of the Bill was to enforce school attendance throughout the country. He wished to point out what had been done under the former Education Acts. First, there was the Act of 1870, under which there was no obligation on parents to

send their children to school; but bye-laws were allowed to be made in places where there were school boards, under which parents might be prosecuted for not sending their children to school. Secondly, there was the Act of 1876, which was introduced into the other House by Lord Sandon, and into their Lordships' House by the noble Duke opposite (the Duke of Richmond and Gordon), his Predecessor. That Act contained some important clauses with regard to education, which materially altered the measure of 1870. One clause enacted that there should be an obligation on every parent in England and Wales to have his child educated. There was a further enactment making it penal on the part of every employer of labour to employ children under the age of 10 years; and only at the age of 14 was a child able to claim certain exemptions. Those exemptions were to be earned. The rules under this head gradually increased in stringency, and the maximum of stringency would be reached in January, 1881, when, by the Act of 1876, no child could be employed up to the age of 14, unless he had passed the 4th Standard, or had attended school 250 times a-year on the average during five years; and the child must not have attended in more than two schools. There was also a general enactment by which bye-laws might be made for the purpose of regulating the attendance of children in every district, and varying according to the necessities of each district. There was a third mode of exemption under the Factory Acts, which were thoroughly revised in 1876. Under those Acts no child could be employed up to the age of 10 years. If he was employed after that age, he must go to school half-time up to the age of 13, without a standard being fixed. At that age, if he passed the 4th Standard, he could go to work. These were the general regulations so far as regarded compulsory education. Then there was one clause in the Act of 1876—the 11th clause—which enacted that any person convicted by a Court of Summary Jurisdiction of habitual neglect to send his children to school should be liable to punishment. That Act also contained an important Amendment with regard to bye-laws. Up to that time bye-laws could only be enforced where there were school boards. But the Act contained a

The Earl of Annesley

provision that a school attendance committee, formed by the urban and rural authorities, in parishes and places where there was no school board, on the requisition of any parish, should have the same power of making bye-laws as the school boards. Those were the general regulations, and that was the machinery for enforcing those regulations; but they were somewhat defective. Up to 1876 there were two laws in different districts. In one district parents might be under compulsion owing to the existence of bye-laws, and in another there might be no compulsion because there were no bye-laws. But the question of bye-laws was somewhat difficult, because it was necessary, when there were no bye-laws, that there should first be a requisition from a parish. A school board had to be appointed, or the ratepayers had to sign a requisition. That caused a great difficulty, because at least 50 persons had to sign the requisition, and the farmers were not always fully alive to the form of proceeding, and were also reluctant to incur any expenditure for carrying out a proposal which might break down. The cost was considerable. For instance, the cost of obtaining these bye-laws reached in some Unions the sum of £100. The Bill before their Lordships professed to deal with that question in a simple manner. It was no longer to be necessary to get a requisition signed; but the school attendance committee was to be empowered to make bye-laws, and the Act required that before the end of this year all the school attendance committees should do so. He next wished to point out the number of schools in the country, and the number of children attending those schools. The total of schools in 1869-70 was 8,281; in 1875-76, 14,273; and in 1878-9, 17,166. In those schools there was accommodation for 2,000,000 children in 1869-70, for 3,500,000 in 1875-6, and for upwards of 4,000,000 in 1878-9. The percentage of the population attending those schools was, in 1869-70, 8.75; in 1875-6, 14.13; and in 1878-9, 16.46. That showed a satisfactory state of things. The country had now arrived at something like what was thought to be by those who had entered into calculations on the subject the goal of its endeavours. Then he would refer to the Register. The number on the Register in 1869-70, was

1,600,000; in 1875-6, nearly 3,000,000; and in 1878-9, 3,710,000. Then with respect to the percentage of average attendance, as compared with the numbers on the books, he found that in 1869 the percentage was 67; in 1875-6 it was 68; and in 1878-9, 70; so that not only was the number of children attending school steadily increasing, but the percentage of attendance by the children on the books was increasing in equal proportion. This showed that compulsion had had a desirable effect. In the first six years the attendance had increased at the rate of 200,000, and in the last three years at the rate of 250,000. If they looked at the population of 5,580,000 who were not under bye-laws, they would find that 5,000,000 belonged to rural parishes. The difficulty of enforcing compulsion under the general Statute upon obstinate parents was that, in the first instance, an attendance order was made, and if a penalty were desired, it was necessary to return and show that the attendance order had been disobeyed. Two motions were necessary before any practical action could be taken. Under the bye-laws it was found that the process was simpler and cheaper. Although there had been a gradual progress in school attendance, something further was necessary, and he proposed by this Bill, by extending the operations of the bye-laws, to carry on the work of the Act of 1870, which the Act of 1876 so materially assisted; and if they got the bye-laws now proposed passed, they would be doing quite as much as they could. The reason why he introduced the Bill was this. In 1881, the Act of 1876 would attain its greatest stringency. It would be illegal next year for any person to employ a child at half-time even up to the age of 14, unless that child had passed in the 4th Standard. He was afraid it would be exceedingly difficult in many districts to employ children under these conditions. He found that last year, out of 889,271 children above the age of 10, there were 506,820 presented in Standards 1, 2, and 3. That showed that there had been considerable difficulty in obtaining so high a standard as was desired. It was, besides, exceedingly difficult, if not almost impossible, from the removal of the residence of the parents, and other causes, to get a certain number of attendances shown. What would be the

result in 1881? He believed the Act would be evaded, as it was now evaded, by a large class, or it would sweep to a great extent many fields and places of children who ought to be doing work and bringing wages to their parents. They should require every school board throughout the country to pass bye-laws which would meet the requirements of the neighbourhood; and if the boards did not pass bye-laws, bye-laws should be passed for them; and it was hoped that by January they would have bye-laws which would obviate the great hardships of taking from labour a great many of the children of the country. The second part of the Bill dealt with a conflict of authority which had occurred between the bye-laws and the Factory Acts, and two cases had been tried in order to see which was paramount. At present, one employer of labour—namely, the manufacturer, found he could get his labour without any difficulty under the Factory Acts, which allowed children of 10 years of age to go to work as half-timers; while the farmer could not get a boy, because the bye-laws under which the boy was bound to be so employed were very much more severe in their application than the Acts in question, for they required that children so employed should have passed a certain standard. The Judges before whom one of the cases was tried (Justices Bramwell and Denman) decided that the bye-laws were paramount; but in the other case, tried by Justices Mellor and Lush, the decision was exactly the reverse. No appeal could be made, as it was a criminal matter, and therefore they had come to a deadlock. The Government proposed where there was a conflict of this kind that the bye-laws should prevail, for it had been shown that having to pass a standard was a great stimulus to parents to send their children to school, and it was thought desirable to place all children under the same law. There was also power in the Bill to give the power of deciding to the school board to say whether the school should be under the bye-laws or the general Act, as it was desired to give, in the matter of school attendance, the option to school boards, and not to the magistrate or the Judge, to direct a prosecution. There was one clause—the 40th—in the Act of 1876, which imposed some very remarkable and unfair conditions upon pauper chil-

Earl Spencer

dren. For instance, if a man met with an accident and applied for out-door relief to the Union, his children must go to school unless they fulfilled certain conditions—that was, reached the 3rd Standard; and, therefore, a child who had fully earned exemption from school, was required to go back to school at the very time his services were most required. He did not think that that was the intention of the Act. Therefore, under the present Bill, it was proposed that whenever a child had earned exemption he should not, because his father became a pauper, have to go to school and to fulfil other conditions. Those were the provisions of the Bill, and they would, he was convinced, operate with great advantage. The noble Earl concluded by moving the second reading of the Bill.

Moved, "That the Bill be now read 2."
—(*The Lord President.*)

THE DUKE OF SOMERSET said, he did not in any way deprecate the advancement of education; but he thought that great discretion should be given to magistrates in cases under the Education Act. Parents often lost much time and had much difficulty in getting truant children to go to school. He (the Duke of Somerset) had known of cases in which, when boys were told to go to school, they went bird's-nesting; and unless the father lost his time in looking after them and seeing that they went regularly to school, he would be liable to be punished, and magistrates were sometimes very severe on poor parents in such circumstances. Again, a poor widow who had to go out to work, if she was obliged to follow her children every day to school, would be unable to earn her living. He admitted that there must be compulsion; but he thought it should be adopted gradually and with due regard to circumstances. In his opinion, magistrates ought to have some power of relaxing the rigour of the principle in cases such as he had suggested.

THE DUKE OF RICHMOND AND GORDON said, he could assure his noble Friend the President of the Council (Earl Spencer) that this measure had his most cordial support. He thought his noble Friend would not be surprised at that intimation, because he believed this was much the same Bill as the one which he (the Duke of Richmond and

Gordon) had himself intended to introduce if circumstances had not prevented his doing so. He did not gather that the noble Duke who had just spoken (the Duke of Somerset) objected to the provisions of the Bill generally, but rather that he desired that there should be some power given to magistrates of relaxing the penalties in certain cases to which parents were liable. At present, however, the magistrates had a great discretion in carrying out the law, and instances of hardship were quite the exception. Magistrates always dealt with the surrounding circumstances of the cases brought before them, and the parents of children who went bird's-nesting when they ought to go to school would not be treated harshly. That Bill was necessary, more especially in the agricultural districts. The only point in it which he did not quite understand was the last part of Clause 4, and when they went into Committee it might be desirable to obtain further information with regard to it.

EARL SPENCER said, he could confirm substantially what had been said by his noble Friend the late President of the Council (the Duke of Richmond and Gordon) in respect to the discretion vested in magistrates, and often exercised by them in cases such as those mentioned by his noble Friend the Duke of Somerset. The signature of two members of the school board was required to any order for proceeding against a parent, and, beyond that, truant children could be committed under certain conditions to industrial schools.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Thursday next.

House adjourned at a quarter before
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 5th July, 1880.

MINUTES.]—NEW WRIT ISSUED—For Bewdley, v. Charles Harrison, esquire, whose Election has been determined to be void.

PUBLIC BILLS—*Ordered—First Reading—Revenue Offices (Scotland) Holidays* * [254].

Second Reading—Compensation for Disturbance (Ireland) [232].

Committee—Report—Taxes Management * [242]; *Statutes (Definition of Time)* * [225].

Third Reading—Local Government Provisional Orders (Eastbourne, &c.) * [189], and *passed*.

Withdrawn—Relief of Distress (Ireland) * [244.]

QUESTIONS.

SPAIN—DETENTION OF A BRITISH SUBJECT AT FERNANDO PO.

DR. CAMERON asked the Under Secretary of State for Foreign Affairs, Whether it is a fact that Mr. James C. Young, a British subject, was, in June 1878, sentenced to four months imprisonment or £20 fine by the Courts of Fernando Po, and that the fine was paid and its payment accepted, but that Young is still detained a prisoner in the island on the ground that his sentence requires ratification by the Superior Courts at Havannah; whether the climate of Fernando Po is not considered to be one of the most deadly to Europeans in the world; whether Her Majesty's Government have taken any steps to rescue Mr. Young from an indefinitely protracted imprisonment; and, whether he will lay upon the Table of the House the correspondence relating to Mr. Young's case?

SIR CHARLES W. DILKE: The facts of the case, as stated by the hon. Member, are, I regret to say, correct. Urgent remonstrances on the subject have been repeatedly addressed to the Spanish Government through Her Majesty's Minister at Madrid, special stress being laid on the danger to Mr. Young's life involved in his continued detention at Fernando Po. The latest intelligence received was to the effect that the case was to come before the Supreme Court at Havannah on the 12th ultimo. There will be no objection to laying the Correspondence on the Table of the House?

IRELAND—THE PHOENIX PARK, DUBLIN.

MR. M. BROOKS asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any spaces in the Phoenix Park hitherto enjoyed by the

general public have been recently inclosed and set apart; and, if so, whether such encroachments or inclosures have been sanctioned by the custodians of the Park in the interests of the public?

MR. W. E. FORSTER: I am not sure, Sir, that this Question ought not to have been asked of the Treasury, as it relates to the Board of Works, which is under the Treasury. All I know about the Phoenix Park is that it is a very beautiful park, and I sometimes wish that I was there instead of here. For some years a portion of it has been inclosed with a wire fence for the purpose of utilizing the sewage of the Royal Hibernian Military School, and for a short time, I understand, an additional wire fence has been put round an additional space. There is no intention of keeping up the wire fence round it, and it is in a portion of the Park which is less frequented than the other portions of it are.

THE CAPE COLONY—SIR BARTLE FRERE.

SIR WILFRID LAWSON asked the Under Secretary of State for the Colonies, Whether the failure of the South African Confederation Scheme has altered the view of the Government with regard to the retention of Sir Bartle Frere at the Cape?

MR. GLADSTONE: As I made the fullest statement to the House upon this subject on a previous occasion, it may be convenient that I should make a reply to the Question of the hon. Member. Her Majesty's Government have received with very great concern the intelligence which has arrived from the Cape, showing that the proposals of the Cape Ministry for the promotion of Confederation among the Colonies have been frustrated. I am aware that that fact has a serious bearing upon the statement I addressed to the House on an early day of this Session; but it is not possible for the Government, from the succinct telegraphic notices that have arrived, to form any sufficient and comprehensive judgment on the circumstances, and, consequently, I cannot at present answer my hon. Friend; but when the despatches giving a clear and full account of the occurrences have arrived, the matter will have our full and serious consideration.

Mr. M. Brooks

RAILWAYS (IRELAND)—LIMERICK JUNCTION.

MR. A. MOORE asked the President of the Board of Trade, Whether it is a fact that, owing to monetary differences between the Great Southern and Western and Limerick and Waterford Railways as to the terms of occupation and use of the station at Limerick Junction, the latter Company have received notice to quit and are now engaged in constructing a station on their own land some five hundred or six hundred yards from the existing station; and, whether, as this is the most important centre of Railway communication in the South of Ireland, and that by the proposed arrangements very great inconvenience will be caused to the public, attended, probably, with delays in the transmission of mails and parcels, the Board of Trade will take steps, by arbitration or otherwise, to protect the public from such grave annoyance?

MR. CHAMBERLAIN: The Board of Trade have no official knowledge of the circumstances referred to in the Question of my hon. Friend, and, as no question of public safety appears to be involved, they would have no power to interfere unless appealed to by both of the Railway Companies interested. Should the Companies apply to the Board of Trade, I shall be happy to direct steps to be at once taken in order to bring the differences which are alleged to exist to a satisfactory termination.

THE CURRENCY—WORN GOLD COINS.

SIR JAMES M'GAREL-HOGG asked the First Lord of the Treasury, Whether his attention has been called to the condition of the gold currency; and, whether it is proposed to take steps to withdraw from circulation worn coins which are below the current weight?

MR. GLADSTONE: My attention, Sir, has been called to the condition of the gold currency, and I am aware that it is unsatisfactory. But my hon. Friend will know that the question is a very serious one, and that it entails consequences which might not appear at first sight to belong to it. It entails a consideration of the whole question as to the sufficiency or insufficiency of the premises of the present Mint, and the amount of work which the Mint can

carry on; and, further, whether it is practicable or desirable to delegate to private persons the conduct of any portion of our currency—for, without that, the gold coinage could not be renewed, as I am informed, at the present time. If that delegation could not take place, there then comes up the question of the removal of the site of the Mint. Under these circumstances, I think my hon. Friend will not regard me as unreasonable when I say that, while I feel the subject will require early attention, I do not think it will be possible to give it that consideration during the continuance of the present Session.

TURKEY—THE IDENTIC NOTE—MR. GOSCHEN'S MISSION.

MR. BOURKE asked the Under Secretary of State for Foreign Affairs, Whether the identic note said to have been presented to the Porte, as well as the reply to that note, can be laid before Parliament; and, whether any other Papers connected with Mr. Goschen's Mission can be laid before Parliament?

SIR CHARLES W. DILKE: The Identic Note and Papers relating to it will be presented to Parliament as soon as circumstances will admit of this being done without interfering with the progress of negotiations. We shall have to obtain the concurrence of the other Powers concerned.

CUSTOMS AND INLAND REVENUE—THE WINE DUTIES.

MR. BOURKE asked the Under Secretary of State for Foreign Affairs, Whether any communications have been received from any Foreign Government other than that of France, upon the subject of the proposed alteration in the Wine Duties; and, if so, whether they can be produced?

SIR CHARLES W. DILKE: Her Majesty's Government are in communication with the Spanish, Portuguese, Italian, and Austrian Governments on the subject of the Wine Duties; but it would be inconvenient to lay any of the Papers before the House at the present stage of the negotiations. Representations from most of the foreign Powers concerned in the matter will be found in

a Memorandum drawn up in the Foreign Office, and appended to the Report of the Select Committee of this House on the Wine Duties in 1879.

PARLIAMENTARY ELECTIONS—WICKLOW ELECTION—THE BALLOT.

MR. M'COAN asked Mr. Attorney General for Ireland, Whether Mr. Fenton, the land agent of Mr. Fitzwilliam Dick, an unsuccessful candidate at the late election for Wicklow, who, having been admitted under an order of the Irish Court of Common Pleas, to inspect the ballot papers of the said election in support of a petition (since withdrawn) against one of the sitting Members, has since, for the purpose of intimidating voters, publicly declared that he had, during such inspection, discovered how they had voted, has not, by such public declaration, rendered himself liable to a criminal prosecution under the Ballot Act; and, if so, whether he will, on being supplied with circumstantial information as to the facts, direct that the law be so enforced?

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW): I have myself no information as to the facts stated or implied in the Question of the hon. Member; but if it is to be understood that the gentleman referred to has, for the purpose of intimidating voters, threatened them with any injury because of their having voted, he has committed the offence of undue influence, and is liable to a prosecution, not under the Ballot Act, but under the provisions of the Corrupt Practices Prevention Act. As to the last part of the Question, I can only say that if the facts of the case should come before me on sworn informations in the usual way, it will be my duty to consider whether a prosecution can be sustained.

INDIA—BEHAR.

MR. JUSTIN M'CARTHY asked the Secretary of State for India, If his attention has been called to a pamphlet entitled "The Ruin of an Indian Province," signed "Charles James O'Donnell, Justice of the Peace for the provinces of Bengal, Behar, and Orissa," and which ascribes the periodical famines and general poverty of Behar not to

any natural or unavoidable causes, but to the rack-renting of their tenantry by the landlords, the mismanagement by the Government as Court of Wards of certain vast estates, and the eviction and oppression of the farmers by European adventurers for the purpose of indigo planting, "often with the support of officials of the highest local position;" and, whether he will cause any inquiry to be made into the accuracy of the statements on which the author of the pamphlet bases the grave accusations it contains?

THE MARQUESS OF HARTINGTON: My attention has been called to, and I have read, this pamphlet. It relates, in the main, to alleged oppression of ryots by proprietors and indigo planters through abuse of the law relating to the levy of rent. This is a subject which has for a long time occupied the attention of the Government of India, and legislation has frequently been proposed to remedy evils that are admitted. The subject is at present under the consideration of a Select Committee, whose Report is almost immediately expected, and, no doubt, it will be followed by legislation. The pamphlet, however, contains allegations of so grave a character, not only as against the state of the law, but also as regards the conduct of the administration of these Provinces, that I shall certainly consider it necessary, as soon as I am able, to satisfy myself as to the nature of the evidence on which those allegations rest. But until I have had that opportunity, I am not prepared to say that I shall consider it necessary to order any investigation to be made in India.

AFGHANISTAN — MR. LEPEL GRIFFIN.

MR. ONSLOW asked the Secretary of State for India, Whether there is any truth in the report that Mr. Lepel Griffin has been ordered from Cabul to Simla; what arrangements have been made for the continuance of negotiations with certain Afghan Chiefs during the absence of that officer; and, when he intends to lay upon the Table any further Papers relating to our present position in Afghanistan?

THE MARQUESS OF HARTINGTON: I have received no intimation to the effect that Mr. Griffin has been sum-

moned to Simla. If, however, it is the case, General Sir Donald Stewart, who has the supreme political as well as military command at Cabul, would be fully competent to continue the negotiations going on with the Afghan Chiefs. With regard to the latter part of the Question, I do not think, in the present state of the negotiations, that it would be possible for me to lay on the Table of the House anything which would add to the information of the House; but I will take care to lay on the Table such Papers as I am able at the earliest possible moment.

CONTROVERTED ELECTIONS — THE BEWDLEY ELECTION PETITION.

MR. LEA asked Mr. Attorney General, If his attention has been drawn to the Report of the Bewdley Election Petition, in which Mr. Justice Denman and Mr. Justice Lopes have unseated Mr. Charles Harrison because a friend's bailiff had lent a voter a drill without charge for hire, and because two working men had made an arrangement about one land club share; both so-called bribers having contradicted the statements made, also all the charges of bribery and treating having completely failed, and the ground of agency being that these two persons were members of the Liberal Association; and, if he will consider in what way the Law may be speedily amended?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, the evidence taken on the trial of the Bewdley Election Petition had not yet been printed and presented to the House, and, therefore, his attention had not yet been called to the case to which his hon. Friend referred. He imagined, however, from the wording of the Question, that it was sought to gain from him an opinion as to the justice of the decision of the learned Judges who tried the Petition. His hon. Friend and the House would, perhaps, excuse him if he declined to go into a question put in that shape. It often happened that there would be apparent hardship in a strict interpretation of the law of agency; but he could only answer the Question put to him as to an alteration of the law categorically by saying that he saw no opportunity of speedily amending the law in this respect.

Mr. Justin M'Carthy

ARMY—NON-COMMISSIONED OFFICERS.

COLONEL OWEN WILLIAMS asked the Secretary of State for War, Whether it is not an acknowledged fact that very serious deterioration has taken place amongst the Non-Commissioned Officers of the regiments of the Line; whether he has any evidence before him which tends to show that this deterioration is the result of Lord Cardwell's re-organisation scheme of 1871; and, whether, having regard to the great exigence of the case, Her Majesty's Government contemplate taking immediate measures to remedy the existing state of affairs; and, if so, when will these remedial measures come into operation?

MR. CHILDERS: In reply to the hon. and gallant Member, I must distinctly decline to admit the allegation that it is an acknowledged fact that very serious deterioration has taken place among the non-commissioned officers of the regiments of the Line, or that this is the result of Lord Cardwell's Re-organization Scheme of 1871. In many respects the non-commissioned officers of the Line have improved since 1871. They are better educated, as shown by the last general annual Return presented to Parliament; and I find that as to punishment the number reduced to the ranks is less. But they are, on the average, made non-commissioned officers at a younger age than in 1871; and in the opinion of many commanding officers some of them have in consequence not sufficient experience. It is also alleged that greater difficulty than formerly is found in retaining their services, although I find that 71 per cent of the sergeants who completed six years' service in 1879 elected to continue with the Colours. Under these circumstances, although questions affecting the non-commissioned officers are intimately connected with the general question of the organization of the Army, which we shall have to consider on the Report of Lord Airey's Committee, I have arrived at the conclusion that this is the most pressing branch of the subject, and we shall take it up without delay. Perhaps I may add that both the German and French Military Department are experiencing the same difficulties as ourselves with respect to non-commissioned officers, although their Armies are recruited in a

very different way, and the problem in the face of social circumstances of the present day appears to be a very difficult one throughout Europe. I cannot name any particular date for proceeding in this matter, which is one of 80 or 100 most important questions that I found on assuming Office had to be dealt with.

CUSTOMS DEPARTMENT—COMPULSORY RETIREMENT.

MR. A. M. SULLIVAN asked the Secretary to the Treasury, Whether it is intended to regulate the superannuation of the Customs officials, in accordance with the system now carried out at the Admiralty, as to the compulsory retirement of men 65 years of age, with 40 years service who have obtained the maximum salary of their position?

LORD FREDERICK CAVENDISH: There is no general rule providing for compulsory retirement from the Customs Service at any given age, and no general proposition has been made of the nature suggested by my hon. and learned Friend. But certain clerks who, after the late re-organization, remain redundant until vacancies occur for them in the superior part of the Establishment, have been permitted, in addition to this improved prospect, to rise in the meantime to salaries in excess of the maximum salary of the classes in which they stood previously to the re-organization, subject to the condition (*inter alia*), that on completing the 60th year of their age they should retire with pension unless the Board of Customs should recommend their continuance for special reasons and the Treasury give their consent. I hope my hon. Friend will forgive me for repeating what I stated in reply to a Question a short time ago—that it is most prejudicial to the efficiency and discipline of this great Service, and renders changes in it next to impossible, that the attention of this House should, without the gravest reasons, be invited so frequently as has been the case in recent years to matters of executive detail in connection with it.

GREECE—GUARANTEED LOAN OF 1832-3.

MR. GRANTHAM asked the Under Secretary of State for Foreign Affairs, Whether this Country is by Treaty or

other obligations under any pecuniary liability to Greece or to the creditors of Greece; and, if so, to what extent?

SIR CHARLES W. DILKE: This country is under no pecuniary liability to Greece at the present moment. The final payment in respect of the portion of the Greek Loan guaranteed by Great Britain was made in 1871. Full details on the subject will be found in the Return presented to Parliament on the 14th of February last (No. 40).

COLONIAL REGULATIONS, RULE 75—
BARBADOES.

MR. ERRINGTON asked the Under Secretary of State for the Colonies, Whether Rule 75 of the Colonial Regulations relative to the tenure of public offices apply to, and are enforced in, all the judicial and fiscal appointments in the Island of Barbadoes?

SIR CHARLES W. DILKE: In reply to my hon. Friend, I have to say that the case of Barbadoes, which is very exceptional, is covered by the words "generally speaking" in that Regulation. I may mention that the chief fiscal officer in Barbadoes, although confirmed by the Governor, is appointed annually by the Assembly.

ARMY (INDIA)—CASE OF MR. F. G. C.
SHAW.

MR. A. M. SULLIVAN asked the Secretary of State for India, If, after considering all the Correspondence, including the Minute of Sir N. Chamberlain, which has passed concerning Mr. F. G. C. Shaw, Senior Veterinary Surgeon of the Madras Army, he will cause any steps to be taken to redress the grievances complained of by that gentleman?

THE MARQUESS OF HARTINGTON, in reply, said, that the case of Mr. Shaw had been decided upon by the Government of India and by his Predecessor, Lord Cranbrook. He had not been able to read all the Correspondence and examine it himself; and until he had an opportunity of doing so, he could hold out no hopes of a reversal of the decision.

CRIMINAL LAW—POACHING IN
HAWARDEN PARK.

MR. ONSLOW: I rise to a point of Order. I gave Notice of a Question publicly in my place in the House the

Mr. Grantham

other night, and I find that in the form in which it appears upon the Paper there is an omission in it. If what is omitted was irregular, I bow at once to the decision of the Chair; but I wish, Sir, to know if the omission has been made by your authority, or by the Clerk at the Table? If it has been done by the Clerk at the Table I think it is wrong, because no hon. Member ought to be at the mercy of the Clerks at the Table, and to have their Question altered without notice to the hon. Member. When I gave Notice of the Question the name of a right hon. Gentleman was upon it, and I want to know whether it is competent or not for an hon. Member to include in a Notice of a Question the name of an individual Member? I may point out that in the Votes for to-night the name of Mr. Fitzwilliam Dick is inserted in Question No. 10, and in No. 14 the names of Mr. Justice Denman and Mr. Justice Lopes are included. I wish to ask you, Sir, if it is competent for an hon. Member in this House to insert in a Question the name of any Member of this House or of any individual outside this House, or whether the omission in this instance was done by your authority, or only on the authority of one of the Clerks at the Table?

MR. SPEAKER: The alteration referred to in the Question has been made by the Clerk at the Table under my general authority, according to the uniform practice of the House when the names of individuals are introduced into Questions. Those names do not appear upon the Paper, unless they are necessary to make the Question plain. That has been the practice hitherto pursued. No doubt, in this case, the name was omitted because it was thought unnecessary. The introduction of a name appeared to be of an invidious character, and, on that ground, the correction was made.

MR. ONSLOW, after that explanation, begged to ask the Secretary of State for the Home Department, If his attention has been called to a conviction by the Flintshire Magistrates, at the Mold Petty Sessions on Monday last, of three men named Richard Williams, Joseph Taylor, and Robert Pierce, residing in the parish of Hawarden, for poaching in Hawarden Park; and to the evidence given by three keepers, Herbert Hirst, Henry Hirst, and Joseph

Fennah, which showed that the only game found in the possession of the prisoners was 10 rabbits; and, if he considers the penalty of two months' imprisonment with hard labour excessive; and, if so, whether he will take steps to mitigate the sentence?

SIR WILLIAM HARCOURT: My attention has been called to this case by the Question of the hon. Member. I had not heard of it before. I presume the hon. Member was not aware that this was a case of night poaching, accompanied with violence, or, no doubt, he would have stated it in his Question. The three prisoners were taken after 1 o'clock in the morning. They resisted, and struck the keepers on the head. They were all old offenders, and had been previously convicted. The first man, Richard Williams, was convicted in 1873, under the Poaching Prevention Act, and fined 20s.; in 1874 he was sentenced to one month's imprisonment for rescuing a Militiaman at Mold; and in the same year he received 14 days' imprisonment for larceny. Again, in 1877, he was convicted under the Poaching Prevention Act, and fined 20s., and 10s. for assaulting the police; in 1878 he had three months' hard labour for night poaching. Joseph Taylor was convicted in 1877, under the Poaching Prevention Act, and fined 20s. for that offence, and 20s. for assaulting the police. In 1878 he was again convicted several times for poaching. That is the history of Joseph Taylor; but as to Robert Pierce, he was convicted in 1877, and fined 40s. for poaching, there being several previous convictions for poaching against him; and, in addition, he has received a sentence of three months' imprisonment for felony. The magistrates say that they had some doubt whether it was not their duty to have dealt with the prisoners more severely, as their characters were so bad; but, as the conviction was under a different Act, they preferred to deal with the case as a first offence, and to inflict the mitigated penalty, which is, for a first offence, three months' hard labour; for a second, six months' hard labour; and for night poaching, with violence, which was the case here, two years' hard labour. I need hardly say that, under these circumstances, I have no intention of interfering with the judgment of the magistrates.

STATE OF IRELAND — EVICTIONS AT BALLYDUFF—THE CONSTABULARY.

THE O'DONOGHUE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether a special force of constabulary has been despatched to Ballyduff in Kerry; if so, what reasons exist for their being so despatched; and, whether the cost of their maintenance, or any part of it, will be charged on the locality?

MR. W. E. FORSTER: I am informed that on the 8th of last May the County Inspector of Kerry reported to the Inspector General of Constabulary that, in consequence of evictions at Ballyduff, there appeared to be on the part of the people a combination to resist evictions and intimidate the officers of the law. He recommended the temporary re-establishment of the police station at Ballyduff. The barracks has been accordingly temporarily occupied by a constable and four men. I think the Constabulary authorities did perfectly right in giving the protection they did; but, as the force was supplied by the county, no special charge has been made for the expenditure.

INLAND REVENUE — MALTSTERS' LICENCES.

CAPTAIN AYLMER asked Mr. Chancellor of the Exchequer, If he is aware that the Board of Inland Revenue are demanding payment of the maltsters' licences in July; and, if so, whether he will give instructions that they should be remitted, as they must cease on the 1st of October, and are taken out for one year?

MR. GLADSTONE: I believe the Board of Inland Revenue are only doing their strict and imperative duty in requiring those maltsters who intend to make malt between the 1st of July and the 30th of September to take out licences. Should the law pass by which an end will be put to the Malt Tax, three-fourths of the amount so paid will be returned.

NAVY—THE NAVAL RESERVES.

CAPTAIN PRICE asked the Secretary to the Admiralty, Whether his attention has been called to the Report of Admiral Phillimore on the Naval Reserves, in which he states that there has, within

the last few years, been a considerable falling off in the number of the Coast Guard "owing to the lack of candidates;" and, whether, in the opinion of the Admiralty, this lack of candidates is in any degree due to the fact that the pay and pensions of the men and officers has lately suffered a diminution as compared with those of similar rank in the Navy?

MR. SHAW LEFEVRE: The attention of the Admiralty has been directed to the passage in the Report of Admiral Phillimore quoted by the hon. and gallant Member; but I find that at the present moment the number of men in the Coastguard is only 56 below the number actually voted—namely, 4,000, and the Admiralty are not in fear of a want of candidates for the Service sufficient to maintain this number. The pay and pensions of the Coastguard have not been reduced of late, but the pay has not been increased relatively to the pay of the seamen in the Fleet; but a large number of men give up the position of petty officers in the Fleet in order to enter the Coastguard in inferior grades; it is clear, therefore, that the Service is not an unpopular one.

H.M.S. "THUNDERER"—REPORT OF THE HEAVY GUN COMMITTEE.

CAPTAIN PRICE asked the Secretary of State for War, When the Report of the Heavy Gun Committee upon the bursting of the second gun of H.M.S. "Thunderer" at Woolwich will be presented?

MR. CHILDERS: The Report of the Heavy Gun Committee has not yet been received at the War Office; but when I have perused it I hope to be able to present it. I understand that it is almost complete.

INDIAN FAMINE COMMISSION—THE FIRST REPORT.

MR. E. STANHOPE asked the Secretary of State for India, Whether he has received the first Report of the Indian Famine Commission; and, if so, whether he will lay it upon the Table of the House; and, also, how soon he expects to receive the second and final Report of the Commission?

THE MARQUESS OF HARTINGTON: The first Report has been received and printed, and I hope it will be in the

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hands of Members in a few days. I have taken steps to hasten the final Report, which I trust will be in the hands of Members in the course of the present month as promised.

TURKEY (FINANCE)—INTERNATIONAL COMMISSION AT CONSTANTINOPLE.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government propose taking any steps to convoke the meeting of an International Commission at Constantinople to consider the financial condition of the Ottoman Empire, with special reference to the claims of the Russian Government and of the holders of bonds of the Ottoman Public Debts?

SIR CHARLES W. DILKE: I do not think I can give the hon. Member any further information on this subject than is contained in the Instructions to Mr. Goschen, which have been recently laid before the House. It is there stated that—

"It may be a question whether the Powers should not call for the appointment of a Financial Commission, such as is indicated in the recommendation recorded in the 18th Protocol of the Berlin Congress."

LAND ACT (IRELAND) 1870—COMPENSATION FOR DISTURBANCE.

MR. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, If any cases have occurred in which compensation for disturbance has been awarded under section 9 of the Land Act of 1870, on the ground that the rent was an exorbitant rent; and, if many cases have not occurred in which ejectments have been brought against tenants whose rents have exceeded Griffith's Valuation by fifty or even one hundred per cent?

MR. W. E. FORSTER: Sir, a Return presented to Parliament in 1878 shows that between the passing of the Land Act and the beginning of the year 1877 no such case occurred. I have no official information; but I rather think there have been one or two cases since. As regards the question of Griffith's valuation, I really can give no answer about that. The hon. Member himself, or any other Member of the House, is as well able as I am to determine as to the subject. I do not think Griffith's valuation

is much prized at the present moment as a value for rent. I think, however, I ought to add that as regards the word "exorbitant" no such thing is likely to occur in the stringent legal interpretation of the term.

INDIA (FINANCE, &c.)

MR. BAXTER asked the Secretary of State for India, If he has yet received the full information regarding the financial condition of India which he expected first on the 10th of June, and then on the 20th of June, if not, what is the cause of the delay; and, if he has any reason to believe that the deficit is greater than has been stated?

THE MARQUESS OF HARTINGTON: The fuller information promised on the 20th of June has been received. The Papers were immediately placed in the printer's hands. Some further telegraphic correspondence, however, has been going on for the purpose of ascertaining the exact financial position at the present moment. That only came to a close on the 3rd of July, and that will be included in the Papers which will almost immediately be presented. With regard to the latter part of the Question, it is now understood that the excess of the war expenditure over the Estimates in the Financial Statement was £9,000,000; but the greater part has been disbursed from the balances before the 31st of March last, though not brought into account. The excess to be met in the year 1880-81 is now estimated at £3,370,000.

CONTROVERTED ELECTIONS— CORRUPT PRACTICES AT EVESHAM.

MR. J. R. YORKE asked Mr. Attorney General, Whether the Government intend to institute a prosecution against the voter for Evesham, on account of whose corrupt practices the late election at that borough has been declared void; whether any machinery exists by which that person can be brought to justice; and, whether he will be entitled to vote at the forthcoming election?

THE ATTORNEY GENERAL (Sir HENRY JAMES): In answer to that portion of the Question of the hon. Gentleman which refers to the institution of a prosecution, I have to say that it is not

my intention to advise the Government to take any proceedings against this voter. The duty of the Government, or rather of the Attorney General, with regard to any person convicted of bribery is regulated by the 9th section of the Act of 1863; and if the hon. Gentleman refers to that statute he will find that it seems to be intended that prosecutions should be instituted after the Report of a Commission that extensive bribery had been committed. In answer to the second portion of the Question, I wish to point out that there is now a Public Prosecutor, whose duties are defined by the Act of last Session to be that he shall institute proceedings in any case to which his attention had been called, and in which he thinks proceedings would be justified. In answer to the third portion of the Question, whether this person is entitled to vote at the forthcoming election, it appears that the disqualification exists only when the person has an opportunity of being heard in answer to the charge; and it has been decided by high authority that a person called as a witness is not a person who has had an opportunity of answering a charge.

AFGHANISTAN—REPORTED ACTION.

SIR GEORGE CAMPBELL asked the Secretary of State for India, Whether it was true, as stated in the Cabul correspondence of *The Times*, that on the collection in a certain village of a number of Afghan Tribes, General Hill, one of General Roberts's "vigorous-policy" men, despatched a brigade of Cavalry to disperse the gathering, and to give as good an account of them as possible: that the people took to flight, but were pursued for six miles; that 200 were killed, and that one man in particular was killed after laying down his arms and begging for mercy; and whether, if the facts are as reported, the conduct of the officers was not in direct contravention of the orders which the noble Marquess had informed the House had been sent out to India?

THE MARQUESS OF HARTINGTON: I have certainly received no information which leads me to think that the account which appears in *The Times* of this morning is entirely accurate. I will, however, if the hon. Member will give Notice, on another occasion state what

information we have relating to the proceedings to which the hon. Member's Question refers.

PARLIAMENT — BUSINESS OF THE HOUSE.

SIR STAFFORD NORTHCOTE asked what Business would be taken at the Morning Sitting to-morrow?

MR. GLADSTONE said that, assuming the House divided that evening on the discussion which was the first Order, the Government proposed to go on with the Employers' Liability Bill to-morrow.

MR. J. G. HUBBARD asked, Whether the Savings Banks Bill would be resumed that evening, or when it would receive the consideration of the House?

MR. GLADSTONE said, he had no doubt the Compensation for Disturbance (Ireland) Bill would occupy the attention of the House all the evening. For the convenience of Members, both of the House and the trade, he might say that he proposed to pass the Customs and Inland Revenue Bill through Committee *pro forma*, on the assumption that the Notices on the Paper with reference to it would pass over until the time when a real vote was to be taken in the matter.

ENDOWED SCHOOLS ACTS, 1869, 1873, AND 1874 (SIR ANDREW JUDD'S SCHOOL AT TONBRIDGE).

THE COMPTROLLER OF THE HOUSEHOLD (Lord KENSINGTON) reported Her Majesty's Answer to the Address of [28th June] as followeth:—

I have received your Address, praying that I will withhold My consent from Section 16 of the Scheme passed under the Endowed Schools Acts, 1869, 1873, and 1874, for the Management of Sir Andrew Judd's School at Tonbridge.

I will withhold My consent from the Section in conformity with your desire.

ENDOWED SCHOOLS ACTS, 1869, 1873, AND 1874 (SKINNERS' COMPANY'S CHARITIES AT TONBRIDGE).

THE COMPTROLLER OF THE HOUSEHOLD (Lord KENSINGTON) reported Her Majesty's Answer to the Address of [28th June] as followeth:—

I have received your Address, praying that I will withhold my consent from Section 13 of the Scheme passed under the Endowed Schools Acts,

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1869, 1873, and 1874, for the Management of the Skinners' Company's Charities at Tonbridge.

I will withhold My consent from the Section in conformity with your desire.

ORDER OF THE DAY.

COMPENSATION FOR DISTURBANCE (IRELAND) BILL—[BILL 232.]

(Mr. W. E. Forster, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.)

SECOND READING. ADJOURNED DEBATE ON AMENDMENT ON SECOND READING. [25th June.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [25th June], "That the Bill be now read a second time."

And which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(Mr. Chaplin.)

Question again proposed, "That the word 'now,' stand part of the Question."

Debate resumed.

LORD RANDOLPH CHURCHILL said, it was with considerable regret he found himself unable, owing to the late hour at which the right hon. and learned Gentleman the Attorney General for Ireland spoke on Tuesday, to offer some reply to his speech. He would remark generally, with respect to that speech, that there was one thing in it which filled him with surprise, and it was the tone of vindictive animosity towards landlords which pervaded the speech from the beginning to the end. He should really have been astonished had it been made by the hon. Member for the City of Cork (Mr. Parnell); but, coming as it did from one of the most able and respectable members of the Irish Bar, he was filled with considerable dismay. It occurred to him that if that speech faithfully represented the views of the Government, the Bill was not merely a temporary measure for the relief of Irish distress, but it was something widely different—it was the commencement of a campaign against landlords; it was the first step in a social war; it was an attempt to raise the masses against the propertied classes. And in connection with this view there was another feature

in that speech which was most remarkable—that although there was going on at present an agitation of the most unmeasured nature on the Land Question, and although language was being used of a very singular kind at meetings which must have given the Attorney General for Ireland grave cause for anxiety and alarm, not a word, not a single syllable, not a hint, even, did the Attorney General give that could afford to the House a suspicion that he deprecated that agitation, or disapproved of that language. If the right hon. and learned Gentleman were to be judged by the promoters of that agitation from his speech, then those promoters had every right and reason to look on the Law Officers of the Crown in Ireland as their sympathizer, friend, and ally. He would leave the legal arguments with which his speech abounded to others who were more acquainted with the subtleties of lawyers than he was; but what the Attorney General said practically amounted to this—The landlords have had £1,250,000 from the State; how could they have the face to object to a measure for the relief of their tenantry? A more ungenerous and misleading argument was never used in the House of Commons. What was the real position? At a most critical period of last year the late Government found themselves compelled to provide employment for the people in such a manner as to avoid the disasters which resulted from their employment upon public works in 1848. They sought the assistance of the Irish landlords, and offered them terms, which were not extravagantly in their favour, in order to secure the employment of the people and the development of the agricultural resources of the country. The landlords throughout the distressed districts came forward and accepted the terms of the Government; and thousands of people had been employed, and were being employed, by means of an outlay for which the landlords had rendered themselves liable. If the landlords had had any suspicion that what they had done would be turned against them in the way it had been by the right hon. and learned Gentleman, the House must not suppose that a sixpence of the loan would have been taken up. What Her Majestys' Government said to the Irish landlords was to this effect—"When no prudent man would

willingly have incurred fresh liability, when agitation was increasing and rents were failing, when you were being denounced throughout Ireland as a criminal class, you came forward and incurred liabilities for the good of the people and of the State; in return for this we will now deprive you of a portion of the means by which you could hope to discharge those liabilities with any ease. Such is your reward for your action in a time of difficulty; such is the encouragement we offer you to devote yourselves in the future to the service of your country at a time of trial." The Attorney General insinuated—and it was an insinuation that could only derive value from that want of knowledge of the details of Irish affairs which, to a certain extent, prevailed in all English audiences—although it had been contradicted over and over again, that the £1,250,000 had gone into the pockets of the Irish landlords, instead of which, as the right hon. and learned Gentleman knew perfectly well, it had simply gone from the hands of the landlords into the hands of the Irish people and into the soil of Ireland. The benefit which would be derived by the landlords from that expenditure would be indirect, remote, and uncertain, while the benefit to the tenant was direct and immediate. Well, then the right hon. and learned Gentleman spoke of Irish distress as the necessity for this Bill. On this subject of Irish distress he thought he could back his knowledge against that of the Attorney General for Ireland. He did not say so in any spirit of arrogance; but thought it was his duty to let the House know what had come under his personal notice. He happened for a period of 10 weeks, when the distress was at its height, to be associated with a Committee that was relieving that distress on a very vast scale, and his work in connection with it occupied him, almost without intermission, from eight to ten hours a-day during that time. He was in constant communication with the Local Government Board and its Inspectors, and with the Inspectors employed by the Committee, and with Chairmen of Boards of Guardians in all parts of the country. If any person absolutely free from all responsibility and care, and perfectly unprejudiced, had had an opportunity of ascertaining the real extent and nature

of the distress, he was that person; and he did not hesitate to say that although the distress was most severe at times and in parts and would have been most disastrous but for the relief afforded, yet it never at any time, and did not now, warrant the introduction of a Bill of that kind. The people had been nobly supported through the crisis not by the charity of one country or another, but by the charity of the world; and he gladly recognized the conspicuous services of the right hon. Gentleman the Lord Mayor of Dublin (Mr. Gray) and the hon. Member for the City of Cork (Mr. Parnell) in stimulating that charity. Not only had food been received in enormous quantities, but clothes and bedding, and immense quantities of excellent seed, to aid in securing a return of former prosperity. But, although the distress was great, the fraud and imposture which sprang up alongside of it were also great. Although the relief afforded was great the demoralization occasioned by it was also great. He did not think there could be any doubt in disinterested minds that if Ireland, under God's providence, were blessed with a good harvest this year, the Irish people would be able to extricate themselves from their difficulties without recourse to any such violent measures as that now proposed by the Government. He could quote volumes of testimony in support of that assertion, but would not weary the House with it. He preferred resting his case on the statements and arguments of Members of Her Majesty's Government; he would not notice the statement of the noble Lord the Financial Secretary to the Treasury (Lord Frederick Cavendish), when he said the other afternoon that the distress was not of a very exceptional nature, because he did not think the noble Lord had had an opportunity of knowing what the extent of the distress was. He would rather remind the House of the remarkable statement of the right hon. Gentleman the Postmaster General (Mr. Fawcett), made a few days ago, which showed that the deposits in the Savings Banks in Ireland had absolutely increased in the last year all over Ireland, and increased even in the distressed districts. In spite of the distress, there had not only been no decrease, but, on the contrary, an increase. He thought that the faces of the Prime Minister and

the Chief Secretary for Ireland grew uncommonly gloomy as they listened to that statement of the right hon. Gentleman. Again, he asked the Chief Secretary for Ireland the other day why, if the distress was so severe and intense as to warrant the introduction of such a Bill, a grant to relieve it had not been made from the Imperial Treasury? If the distress were sufficient to warrant the Government in plundering one particular class, why was it not great enough to warrant them in granting the money out of the Imperial Treasury? Taking, then, into account his own experience and the statements and arguments of Members of the Government, he maintained that if the Bill was supported on the ground of existing distress, it was put forward on a ground entirely inadequate and fallacious. The Attorney General for Ireland entirely ridiculed the view advanced as to the uses which the Irish tenants would make of the Bill to the disadvantage of the landlord, and he said that to substantiate such views it should be shown that Irish tenants were all knaves and Irish County Court Judges all fools; and he asked, were they on that side of the House prepared to show that? Well, he, for one, was not prepared to use such bad language; but he knew the acute and natural intelligence of the Irish people, and he was prepared to say that the advantages which would be derived by the tenantry under this Bill, without their being liable to such savage imputations, would not be inferior to the advantages which would be derived in a case where the tenant was a knave and a Judge was a fool; and he thought the right hon. and learned Gentleman had very little doubt in his mind on that point. It had been said that the Bill was an attack upon property. The Attorney General for Ireland had jeered at that assertion; but he wondered whether the Prime Minister could inform the House what he considered the value of a Parliamentary title to land in Ireland now was. When the Encumbered Estates Court Act passed much was said as to the value of a Parliamentary title. One distinguished Law Lord said that the purchaser would have a clear title; another, that he would have a fresh title; another, an unencumbered title; and Lord Campbell, then Lord Chancellor of Ire-

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land, said—"This Bill will give titles which will be good against all the world, and purchasers of estates under this Bill will have a title which nothing can affect." When the Land Act of 1870 passed prices of land hardly fluctuated. Notwithstanding much agitation, prices rose after the passing of the Act from 20 to 22, 23, and 24 years' purchase. What was the case now? Since the introduction of the Bill, sales of land in the Landed Estates Court had come to a dead stop. Purchasers would not come forward. Capital acted instinctively and almost unerringly; it refused investment in Irish land. The present Government were, it was supposed, ambitious to acquire renown as Land Reformers; but how could they hope to gain the confidence of the people if, as a consequence of their first step in land legislation, a Parliamentary title which had been thought the most desirable became the most worthless, depending no longer on the honour of the British Parliament; but merely on the exigencies of Party, and on the hourly demands which the Business of the House might make on the patience and fortitude of Ministers. The Chief Secretary for Ireland, in the extremely able and ingenious speech with which he had introduced the Bill, told the House that it merely carried out the spirit of the Land Act. He had never been one of those who denounced the Land Act of 1870. No one acquainted with Ireland—with its history, its people, with its customs of land tenure and land cultivation—could, he thought, truthfully assert that the Act of 1870 was not a necessary Act, that it was not wise in its purpose, and had never been, on the whole, beneficial in its operation; and he was prepared to co-operate in any attempt which, consistently with justice to all parties, would still further ameliorate the condition of the Irish farmer. But what was the spirit of the Land Act? It was to secure to the tenant compensation for his improvements, and to restrain the landlord from capricious evictions, and from arbitrary increases of rent. But the cardinal and leading feature of the Land Act was the inviolability of the rent which the landlord demanded and which the tenant agreed to pay. The rent was the one incident of a tenancy which the Act respected and safeguarded, and which Parliament refused to endanger. What

did this Bill provide? That, under certain circumstances, the existence of which was to be determined by an inferior Court of Justice, and by an official, the lowest possible in the judicial scale, the rent should not be enforced without the landlord having to pay heavily for its enforcement. That, he maintained, was a correct description of the principle of the Bill, which was utterly opposed to the principle and spirit of the Land Act. He could prove his statements by the illogical position which the Government occupied. If the Bill was framed in the spirit of the Land Act, why was it not made permanent in its operation and universal in its scope? It was because it was opposed to the principles of preceding legislation that it was limited both in time and extent; for the Government knew very well that if they had proposed to make the Bill a permanent one their tenancy of the Government Bench would be very insecure. The Chief Secretary for Ireland had a most powerful mind; but he was obliged to have recourse to the most extraordinary shifts to justify the measure. He said the other night with great accuracy that it was not in the power of the Irish landlord to raise his rents without becoming liable for compensation under the clauses of the Land Act. He then went on to make the extraordinary and unparalleled announcement—"The circumstances of the present year were equivalent to an increase of rent"—those were his very words. What, in the name of Heaven, did that mean but that failure of the earth to produce her accustomed fruits, owing to the operation of great national laws, uncontrollable, unknown, and unforeseen, which gave us an increase of cold and moisture, and a decrease of sunshine and warmth, was equivalent to, or exactly the same thing as, an arbitrary increase of rent by landlords throughout Ireland generally? That argument, it had been said, was in the spirit of the Land Act. He (Lord Randolph Churchill) appealed to the Prime Minister to say whether he was not right when he said that the Land Act was passed to protect tenants from the arbitrary action of the landlord, and not to save them, at the expense of an equally suffering landlord, from the operations of the phenomena of nature? That was an instance of the extraordinary shifts—the weak shifts—to which

the Chief Secretary had been obliged to have recourse to justify the measure. He would give the House another example of his arguments. The right hon. Gentleman had said how unfair it was that a tenant living on one side of a particular boundary under the Ulster custom could not be turned out even for non-payment of rent without being compensated, while on the other side of the boundary a tenant not under the Ulster custom could be evicted for non-payment of rent without any compensation. That, no doubt, was a very melancholy thing, as all poverty and all distress and misfortune were pitiful and melancholy; but the Chief Secretary had altogether forgotten to tell the House that the tenant under the Ulster custom had bought and paid for his right to compensation, which was as much his property as the furniture of his house, and that the other, outside the boundary, had no such property, and had made no such purchase. The Bill, however, proposed to confer on him a property which was never his, and at the expense, not of the State, but of the class least able to bear it. If that was in the spirit of the Land Act, why had not the Prime Minister in 1870 legalized and extended the Ulster custom over the whole of Ireland? He had refused to do so at the time; and now it was too late, besides being entirely inaccurate, to say that the extension of the custom—for that was what the Bill really came to—was in the spirit of the Land Act. The Chief Secretary had made a great point of the increased number of evictions; but, in stating the figures, he had taken care not to tell the House the real cause of that increase. Here and there, in Ireland as in all other countries, there were hard landlords; but, in the great majority of cases, wherever there was a real inability to pay rent, the landlords had come forward to remit them. ["No, no!"] If he was wrong, the statement easily admitted of refutation. He would remark, however, that the Land League in Dublin had published a statement to the effect that the recent remissions of rent amounted to £3,000,000. The real cause of the great majority of the evictions was that the tenants were not allowed to pay their rents. They did not dare for their lives to do so, on account of the tremendous pressure put upon them by the land agitators, the secret societies,

and those who advised them to "keep a firm grip of their land." The majority of evictions were resorted to because tenants had set up a claim to the fee simple of the soil; and the cause of them was not the cruelty of landlords, nor the general distress, but the maxim, "keep a firm grip of your land," to which the right hon. Gentleman had lent the whole weight of the authority of the Government, when he introduced this measure. There was another inconceivable inconsistency in the attitude of the Government. They brought in a Bill of the most remarkable and forcible character, and, at the same time, told the House that they were going to issue a Royal Commission to inquire into the operation of the Land Act. What did the issue of that Commission mean but that the Government wanted information? Nay, more; the issue of a Commission at the time when another Commission was sitting to inquire into precisely the same subject meant that the Government were so absolutely without information that immediate and concentrated inquiry was absolutely necessary before they could move a single step. And yet, having made this announcement, they had introduced a measure which nothing but the most exhaustive and impartial inquiry, the fullest information, could possibly justify. It was said that the Bill was only a temporary measure. That was the account given of it by the Government, and he would take it for granted that such was their intention. But it must be remembered that its effects would be permanent in this way—it would instruct the people, it would give a new feature to the Land Question, it would greatly guide the Royal Commission, and it would greatly influence Parliament when further land legislation was presented to it next year. The House ought to bear in mind that, if it adopted the measure, its action would not be free and unfettered when future legislation was proposed; and yet they were asked to tie their hands before dealing with the most difficult question by a Government that confessed, without scruple, almost without shame, that they were absolutely without information. He could mention another circumstance that ought to make the House pause before giving its assent to the Bill. The Chief Secretary had told them that, perhaps, he should hardly be believed in saying that when he took

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Office he had not the slightest idea that it would be incumbent on him to introduce such a Bill. For his own part, he had no difficulty whatever in believing the right hon. Gentleman; he felt sure that the Government had all along intended to squeak through the Session, by hook or by crook, without touching the Irish Land Question; and they would have succeeded in their intention, no doubt, had it not been for the Bill of the hon. Member for Mayo (Mr. O'Connor Power), which came on, by some extraordinary accident, in the small hours one morning. He was present, and he saw the dismay that came over the faces of the Chief Secretary and the Prime Minister as they listened to the arguments of the hon. Member for Mayo in behalf of his modest proposals, and as they detected the gathering storm in the Irish Party, in case they should refuse to consider the measure. Where would be their "Supply?" Where would be the Estimates? Where the poor hares and rabbits? Where would be the unfortunate elect of Northampton in case the Irish Party should be allowed to get its "back up?" The Bill was a device suddenly invented to meet that great danger. It was "a Ten Minutes' Bill," if ever there was one, and no part of the original policy of the Government; an afterthought, not a deliberately counselled measure; an inspiration, but not from above. The fact was, that this Bill was intended not for the relief of Irish distress, but for the purpose of oiling a portion of the Parliamentary machine, which threatened to become dangerously rusty. It was for that small and temporary purpose of oiling the Parliamentary machine that the House of Commons was asked to give its assent to legislation of a kind which was never before proposed to Parliament by a Government—which was based on principles so dangerously near to Communism, that only the most extraordinary coincidence of circumstances could in any degree justify it, and which had given to many of their own Party a shock from which they would take a long time to recover. This, then, was the Irish policy, long looked for, long promised, of this great Government! When the Chief Secretary took Office, he was evidently under the impression that he was conferring a great compliment on Ireland. [Mr. W. E. FORSTER: No, I did not.] That

was the inference he drew from the right hon. Gentleman's speeches and actions, which he had observed with great minuteness. He believed that the mere fact of his acceptance of that Office would change the face of the country and the nature of the people—that the mere fact of his arrival at Kingstown would calm the Irish nation. He had not been 24 hours in the country before he decided on a policy of conciliation. He came to the conclusion that the state of the country was so peaceful, that the inhabitants were so contented, life and property, law and order so absolutely secure, that the mild exceptional powers possessed by the late Government, though they might be good enough for them, were absolutely useless to the new Administration. The right hon. Gentleman at that time reminded him of a miner, going into a fiery and explosive mine, with which he was totally unacquainted, and declaring that safety lamps were, in his view, unnecessary incumbrances, and that an ordinary tallow candle was good enough for him. The right hon. Gentleman, after he had been a little longer in Ireland, came to the conclusion that the policy of conciliation, pure and undiluted, was, perhaps, a trifle risky, and the policy of conciliation developed into what he might call a policy of appeals. The Chief Secretary came down to the House and made a tremendous appeal to the Irishmen of the North—to the Protestant boys and Catholic boys of Ulster—to forget their differences and bury their animosities, and to unite in one hysterical embrace in celebration of his accession to Office. He then went on to make a powerful appeal to the Irish Members to co-operate with him in the task of governing Ireland, and to use their great influence to keep the country quiet; and, not content with this, he made a most pathetic appeal to the Irish landlords not to think of exacting their rents under any circumstances at the present moment, the whole burden of the appeals being—"For God's sake keep the country quiet, or what an awful hole I shall be in." The policy of appeals not proving altogether satisfactory, outrages going on as briskly as ever, and law being defied as successfully as ever, the policy of appeals developed into a policy of bribes—a policy which was marked by the generosity which was characteristic

of people who were dealing with the property of others. He feared that the next phase of the Government policy would be one, and must be one, of repression; and he was the more afraid that this would be the case, because he had noticed that, in a recent speech of the Lord Lieutenant at the Mansion House in Dublin, the noble Lord had stated his intention to put the law in force in order to preserve peace in Ireland, and there could be no doubt that before long they would see the Chief Secretary come down to the House and ask for Westmeath Acts, Arms Acts, Curfew Acts, and other similar measures, which were always required for the government of Ireland whenever the Liberal Party was in power. [*Laughter.*] The right hon. Gentleman laughed; but if he would look to history he would find that the whole history of Ireland was a series of repressive measures imposed by the Whigs, relaxed by the Tories, and reimposed by the Whigs. The Chief Secretary had said, in one of his outbursts of candour, that if there was another bad harvest in Ireland he would wish himself anywhere than where he was; but there was another day when he would wish himself anywhere than where he was, and that would be the day when he came down to ask Parliament for unconstitutional powers for the preservation of peace in Ireland. On that day he need not look for sympathy or approval of his policy. He had stimulated disorder and placed a premium on outrage, when he had not the courage to renew the Peace Preservation Act, and he stimulated disorder and placed a premium on agitation of the most violent kind, when he introduced this plundering Bill. He had deliberately and recklessly sowed the wind, and he would most certainly reap the harvest of the wind. He had shown the House that this was a Bill which, if it reposed on Irish distress for its justification, reposed on inadequate grounds. He had shown that it was a Bill which was in direct violation of the spirit of the Land Act. It was a Bill brought in by a Government which had freely confessed that it was without adequate information as to the requirements of the Land Question and the necessity of the case. It was a Bill brought in, not for the benefit of Ireland—on the contrary, it was fraught with disaster to Ireland and the Irish—but for the purpose of

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expediting the Government Business, and for the wretched purpose of rendering the government of Ireland momentarily easier, without one thought, or one spark of thought, as to the future welfare of the country. All were anxious to see the Government make progress with their legitimate Business, and they were all anxious to resume the discussion of the various measures which had been recommended in the Royal Speech; but, however anxious they might be in that matter, however desirous to bring this unsatisfactory Session to a speedy close, there were principles involved in this measure which Parliament could not sanction, and rights endangered by it which Parliament would never override.

MR. GLADSTONE: It appears to me, Sir, that the undoubted talents of the noble Lord who has just resumed his seat would have contributed much more substantially to the disposal and satisfactory issue of this question had he been less unmeasured in his imputations, had he been content to give a little more credit for deliberate considerations and for honest and upright intentions in regard to this measure, had he dealt less in physiognomy and in prophecy, and had he, in the historical portions of his speech, made greater approaches to accuracy. The Bill which is before the House is one which, in my opinion, will lose nothing by being discussed in a less lively spirit than was thought fitting for the occasion by the noble Lord. It is a Bill undoubtedly of great importance, because it is exceptional in its circumstances, exceptional in its provisions, and because it constitutes, on the part of the Executive Government, something in the nature of a promise or engagement to the poorest part of the population of Ireland, now suffering heavily under a severe visitation of Providence. Under these circumstances, a grave discussion is all I can promise to the House. The noble Lord says it is a Bill introduced for the purpose of "oiling the Parliamentary machine," and for the purpose of bribing supporters; and there are Gentlemen who agree with those views. [MR. WARTON: Hear, hear!] Nor can I wonder that they should so agree when I consider the inflamed and exaggerated accounts that have been given of this measure. The hon. Member for Leitrim (Mr. Tottenham), who spoke of it the

other day, promised we should have harder language yet applied to the Bill than we have listened to. I entirely differ from the hon. Member for Leitrim, not because I am not willing to accept any promise he makes, but because no harder language that I am aware of is to be found in the dictionary. It has been described by the noble Lord, by the hon. Member for Mid Lincolnshire (Mr. Chaplin), and some others, as "plunder," as "robbery," and as "confiscation;" and, having been so described, I wait to learn what are the harder words to be used of this measure. There have been exceptions, I am bound to say, to this inflammatory style. The right hon. Gentleman who was First Lord of the Admiralty in the last Parliament (Mr. W. H. Smith), though he indulged in the most dismal anticipations which, as I think, were quite unneeded by the case, yet carefully avoided everything like exaggerated description and everything like unwarranted attack. I have had the pleasure of seeing sitting behind him a Gentleman who made his first speech to the House on this question, in opposition, undoubtedly, to the Bill—I mean the hon. Member for West Surrey (Mr. Brodrick)—which we believe to be a necessary, and, under the circumstances, a valuable measure; but who made the speech with an ability which promises much for his Parliamentary future, and, I am bound to say, with an evident love of truth and a manifest candour which are rarer in this House than ability, and upon which I offer him my congratulations. The noble Lord has given his version of the purpose of this Bill. Allow me to give mine. The noble Lord says it is a Bill to invade the principles of property. We say it is a Bill to maintain the principles of property. We say that, in the face of those afflicting circumstances which partially prevail in Ireland with an extreme severity, it is a Bill to enable the State with a safe conscience to use the strength at its command in order to maintain the rights of property and to enforce the provisions of the law. Now, this is the account we give of the purposes of this Bill, and I think that the account given by the noble Lord may be said to confute this. He says our only object was to conciliate the support—I translate his figurative language into prose—of those Gentlemen who act

with the hon. Member for the City of Cork (Mr. Parnell). It is always well to give your opponents credit for the possession of some degree of common sense and discernment; and I think the noble Lord, if he were a witness of the transactions of Saturday last, or if he were a witness of what passed in this House on Friday morning, must know that that charge bore on its face the stamp of absurdity, for no man in his senses could dream of imagining that by this measure, or any measure, we are likely to conciliate the approval of those Gentlemen. At the same time, it is the duty of the Government to listen with respect to the hon. Member for the City of Cork, and to all those who act with him, when they are uttering the words of truth and justice, and it is their duty to allow none of their differences with that hon. Member to cause them to prejudge the witness he may bear; but Her Majesty's Government would be less than children in the practice of the Business of the State and of Parliament, if they could be so weak as to suppose it was possible to bring the policy recommended by them to Parliament into harmony with the objects which the hon. Member for Cork is believed to pursue. The noble Lord, in speaking of the state of Ireland, appears to imagine that nothing has been done which is in the slightest degree exceptional, or which raises any dangerous principle into prominence, until Her Majesty's Government appeared with this Bill. He appears to think that all this is simply a matter of course. Now, we say, on the contrary, that the late and the present Governments and that both Parliaments have sanctioned, or are sanctioning, apart from this Bill, most exceptional measures. We have given loans to landlords at a nominal rate of interest. We have also permitted the indefinite extension of out-door relief to persons holding land, and thereby we have relaxed one of the most vital and essential principles of the Poor Law. We have advanced public money from the Exchequer to supply Irish occupiers with seed for the purpose of sowing their land. What are all these measures but measures of an extraordinary and exceptional character, produced by an extraordinary and exceptional state of things? ["Hear!"] I am glad to see the noble Lord assents to that fact now;

but there was not the slightest trace in his speech of any impression or belief that these things were extraordinary at all. He seemed to me to be like the hon. Member for Mid Lincolnshire, who was generous at the public charge, and said—"I do not mind what amount of relief you give to these people, provided you give it out of public funds." ["Quite right."] But these are suggestions and doctrines of the most dangerous character. When you have arrived at a state of things in which you are compelled to make the funds of the whole country—I am now speaking principally of Ireland—responsible for the support of a portion of the country, you have arrived at a state of things so exceptional that it is impossible to contend it may not be necessary, in some matters affecting private rights, to consider the state of the law on other points besides those which have been actually raised. Now, Sir, hon. Gentlemen opposite have thought that they produced a damning argument against this Bill when they mentioned that some London solicitors were debating whether it was safe to allow money to be lent on mortgage in Ireland. Do they suppose that this is the first date at which that idea has entered into the minds of London solicitors? I happen to be acquainted, more or less, with the proceedings of one of the first firms of solicitors in London; and with them it has, I believe, been the uniform practice—unless it has been very lately corrected owing to the improved circumstances of Ireland—to insert in wills a provision that the sums to be invested under a will might be invested in real property in England or Scotland, but not in Ireland. So much for that particular instance. With respect to this Bill, the noble Lord has referred to one or two points which, perhaps, are fitter for discussion in Committee than at the present moment. He states that the delicate and difficult question that is opened by the Bill is to be referred to the decision of a gentleman who is at the bottom of the judicial hierarchy. That officer will discharge this duty subject to appeal; and, moreover, he will discharge this duty with the advantage of the experience he has acquired under the Land Act in deciding questions very much of the same order. At the same time, the question whether it is right that exceptional provisions should be accompanied by a modification

of the tribunal before which cases are to be tried is evidently a question which may be very well considered in Committee on the Bill. Another important question has been raised by the Notice given by an hon. Baronet (Sir Tollemache Sinclair) of a Motion to be made before Mr. Speaker leaves the Chair. The substance of it is, as I understand it, that this Bill shall not apply in cases where a landlord is willing to allow the tenant to sell his goodwill. That, undoubtedly, is a very important proposition; but it is a proposition with regard to which I am in a position to state it is the belief of the drawers of the Bill that it is incorporated in the measure as it now stands, inasmuch as no Judge in his senses could possibly allow the Bill to apply in a case where a landlord had been willing to allow the tenant to sell his goodwill. I refer to these matters for the purpose of showing that this is not the time for a Member of Her Majesty's Government to dwell largely upon them. It is the principle of the Bill that is now challenged; and while the principle of the Bill is so challenged, as involving robbery, plunder, and confiscation, it is idle for us to tender to opponents who hold such views Amendments which might meet reasonable objections and mitigate alarm. As regards a large portion of the opposition to this measure, I must say it is a revival of the hostility, the smouldering hostility, to the Land Act. [An hon. MEMBER: Hear, hear!] I believe that the hon. Member for Mid Lincolnshire did not attempt to conceal that, so far as he was concerned, this was the case, for I think he said this measure was a renewal and an extension of the most vicious principle of the Land Act. That was a fair and frank avowal; but I am glad to hear from the noble Lord who has just sat down that he does not share that view. Upon that we shall have more to say by-and-bye; but, in the meantime, let me ask hon. Members to place themselves upon the starting-point of the Land Act for Ireland, before it is possible for them to form any just or comprehensive judgment upon this Bill. Now, Sir, it seems to be thought sufficient by the hon. Member for Mid Lincolnshire to say that this Bill interferes with the principles of property; that by this Bill, in certain circumstances, you take something from A and give it to B;

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and that this fact is enough to prove the Bill to be plunder, robbery, and spoliation. Has the hon. Member addressed his mind to a review of the legislation of Parliament during the last 50 years? Why, Sir, I should spend more than the time which I could fairly ask from the House for all I have to say were I to set out in detail the instances in which during the last 50 years the Parliament of this country has interfered with the principles of property. The principles of property are vital to the welfare of the State. They are at the very base of the social system; but, notwithstanding these great and fundamental truths, it is not less true that there are occasions when, not merely necessity calls upon you to modify the extreme application of those principles, but when the introduction of modifications are the best and the only means by which you can effectually preserve the principle of property itself. Let us see whether this is so or not. My doctrine is, not only that there are ample precedents for interference and for a modification of the extreme application of the ordinary principles of property, but that those precedents have been good and sound precedents, and have marked out a course of action in which it is safe and wise to walk. What examples shall I adduce? I will not go so far as to cross the Atlantic and appeal to the important legislation, both ecclesiastical and civil, as regards Canada. But what of the Tithe Commutation Act of England? Did you take nothing in that case from A and give it to B? Yes; you took from the clergy of the country the entire prospective increase of tithe on the produce of the land, and you handed it to the landlords. Did any hon. Member for Lincolnshire rise then and, on the part of the clergy, protest against this "monstrous injustice," this "violation of the principles of property?" I believe that this was a justifiable, a wise, and expedient measure; but it was, undoubtedly, an interference—and a very strong interference—with the application of the principles of property; because the right of the clergy, the right of the tithe proprietor, to the future increase of the produce was a right just as much belonging to him as was the right of the landlord to the increase beyond what was covered by the tithes. And what happened in Ireland at the same

time? Did Parliament scruple to interfere in Ireland? It took away, with the unanimous assent alike of Conservative and Liberal politicians, one-fourth part of the property of the tithe-owner, handed it over to the landowner, imposed upon the landowner the responsibility of collection, valued that responsibility at 25 per cent, but never asked the tithe-owner whether he agreed to the valuation, or the landowner whether he was prepared to assume the burden. It is impossible to conceive a stronger interference with the principles of property than was involved in this. If I understood the Bill which the hon. Member for Mid Lincolnshire has introduced, it, too, interferes with the principles of property. According to my reading of it, it provides, with regard to the agricultural holdings of the country, that unless the landlord can agree with the tenant, on certain terms as to the property in improvements, the laws of compensation laid down as voluntary laws by the Agricultural Holdings Act shall be compulsorily applied. [Mr. CHAPLIN dissented.] The hon. Gentleman, I see, disputes my reading. I will give way if he wishes to explain; but that is my reading of the Bill. Undoubtedly, among the invasions of the principle of property the Irish Land Act holds a conspicuous place. And its justification, just as in the other cases we have found a justification, is the wisdom of its provisions with regard to the social state and the general interests of Ireland. It was a Bill ostensibly dealing with the interests of the landowner in a manner injuriously affecting those interests—ostensibly and *prima facie*; but we contended that although it might bear that appearance, and be subject to the imputation of "robbery," of "plunder," and of "confiscation," yet it was a Bill so required by the circumstances of Ireland, so adapted to those circumstances, that the effect of it would be to confer benefit upon the country at large, upon the landlord as well as the tenant. We shall see by-and-bye how far that is true. But let me remind the House now what the Land Act did. It did not extend the Ulster tenant right to the whole of Ireland—that has been most justly and truly stated by the noble Lord—but it did create over the whole of Ireland, beyond the limits of Ulster tenant right and of any analogous custom, sporadi-

cally elsewhere, an interest, an estate, a property of the tenant in his holding which did not exist before. That was done by the act of the Legislature; and it is from the creation of that interest and property that you must set out if you want to arrive at any true and just solution. It has been said that the principle of the Land Act was that no compensation for disturbance should be paid when an action for ejectment was brought for non-payment of rent. I am not going to dissemble or extenuate the importance of this provision of the Land Act; but it appears to me to be a gross misnomer to call that the principle of the Land Act. The principles of the Land Act were its main provisions, not those subordinate provisions. The principles of the Land Act were mainly two—to secure occupiers full compensation for their improvements, which was taking from the landlord what belonged to him and giving it to the tenant; and, secondly, after creating and constituting this estate on behalf of the tenant, this interest in his holding which he never had before, the general principle of the Land Act was that, over and above his improvements, if dislodged from his holding, he was to receive compensation according to the limit of a scale on a maximum which was determined by the Act. I quite admit that to that principle there was a most important exception—namely, that eviction should not be “disturbance” in cases where it was founded on non-payment of rent. That was a great exception to the principle. But there were exceptions to that exception; and I wish the House to take into view—not because I think it is the only or, perhaps, even the principal matter we have now to consider, but as a matter which we cannot exclude from view—the terms in which the Land Act was introduced by the Government, the terms on which it was accepted by the House; because, be it recollected, that those terms were cordially agreed to by men so little revolutionary as Lord Carlingford, Lord Cardwell, and Lord Clarendon; and, further, that the Bill containing these proposals was introduced into and read a second time in this House unanimously. Lord Beaconsfield—Mr. Disraeli, as he then was called—did not find in those principles, introduced by the Land Act for the first time, any reason why he should dispute the second reading of the

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Bill. When the Bill was carried through this House, it contained a provision, as I have said, that an eviction for non-payment of rent should not be a disturbance; but to that was appended a most important qualification. The mind of the House of Commons was that eviction for non-payment of rent should not be a disturbance, unless there were special circumstances which, in the view of the Judge, should make it so. That was the principle. [Sir GABRIEL GOLDNEY: As to existing tenancies.] Quite so; quite so. Well, that was the principle to which this House committed itself, with, again, a limitation which I am about to mention. The Land Act was in our view a new point of departure for Ireland. We laid down that rule for existing tenancies, without extending it to future tenancies. Nor do I at all attempt to escape from the importance of that admission. What I now call upon you to observe is that that enactment was adopted by the House of Commons by a large majority; and that, with the unanimous acceptance of the Bill on the second reading, was an enactment far wider in its scope than the proposal of my right hon. Friend. The proposal to which Lord Carlingford, Lord Cardwell, and Lord Clarendon agreed was a proposal far wider than that denounced to-day as a proposal of “plunder,” of “robbery,” and of “confiscation.” That Bill, I freely admit, was limited to existing tenancies; and it is important we should consider the position in which we are placed by that limitation. And now a word to those who, when they have heard this description which I have given of the Land Act, may arrive at the conclusion that it, too, was an Act of “robbery, plunder, and confiscation.” These words are very easily produced and thrown at the head of your antagonist. There is a great temptation to make use of them, and sometimes, as I am inclined to contend, it is unmanly not to make use of them. But the whole question is, whether they are justified by the circumstances of the case? What were the facts with regard to this Land Act? Down to the time of the Land Act, what had been the history of legislation with respect to land in Ireland? Well, Sir, it had been this—and it is a melancholy chapter; and, as the noble Lord is fond of studying history, I recommend him to study this history, and see how it was

that this House of Parliament and the other House of Parliament, until a wider access was given to popular influence—how it was that they held the scale of justice between landlord and tenant in Ireland? Everything was for the landlord and nothing for the tenant. We are told that the landlord is the natural friend, and the natural protector of the tenant. I rejoice to think that in a multitude of cases he is so, and that he is becoming so more and more. But that doctrine, unhappily, is not borne out by history, and you must be willing to recollect that these facts, these enactments, these proceedings, this policy, although it may pass away, though the Acts may be repealed, though the temper of Parliament may be changed, are branded ineffaceably upon the memory of a country, and we are prepared to allow largely, indulgently, for those nearly ineffaceable marks, and even to exceed in some cases, perhaps, the strict letter of reason, in consideration of those monstrous, prolonged, inveterate efforts which continued so long to dishonour the proceedings of Parliament, and which have accumulated a debt to the people of Ireland which it will be difficult to redeem. These were the grounds which brought us to introduce the Land Act. It was not any indifference to the principles of property. I never attempted for one moment to disguise the gravity of the legislation we proposed. I always endeavoured, as did my Friends near me, to justify it by the more than corresponding gravity of the case. Well, this Land Act was largely denounced as robbery, plunder, and confiscation, though I must do Lord Beaconsfield the justice to say that it was a credit to him—truly signal and deserved—that, with great sagacity, he was unwilling to commit himself in any conflict in which he saw he would be worsted; and, consequently, he reined in the impatience of a portion of his Party, and, instead of encouraging them to denounce the Land Act as a measure of plunder, robbery, and confiscation, he dissuaded them, or inhibited them, I do not know which, or educated them, so that they should not divide on the second reading of the Bill. But how did the Land Act—this measure of plunder, robbery, and confiscation—operate on the peace of Ireland? The agrarian offences committed in Ire-

land in the year 1869, the year before the Land Act, were 767. In 1870, the year of the Land Act, they were 1,329. Immediately after the Land Act a great change was seen, and for eight years—from 1871 to 1878—the average of the agrarian offences in that country, which had been in 1870, 1,329, had fallen to 247. That was the effect on the peace of the country. What was the effect on the interests of the landlord? Were his rents reduced? Were the prices he obtained for his land diminished? No. In Ireland we have some means of testing these assertions. The sales in the Landed Estates Courts are sufficient for the purpose. In the five years ending in 1870 the average number of years' purchase of estates sold in the Court was 21·8. In the years from 1870 to 1878 it was 22·25 years. That was not a very great, but it was a very solid, improvement. A new form of sale, moreover, had been introduced under the operation of the Land Act. A certain number of sales were made before the action of the Court which are not included in the figures I have read, when the land was bought by the tenants, and it was bought by the tenants at a price which must have seemed fabulous to all Irish landlords of the past, and in some cases must have made the mouths of English landlords water. In 1871 the price of land sold to tenants reached from 19 to 30 years' purchase. In 1872 it ranged from 18 to 27 years' purchase. In 1873 the mean was 36; in 1874 it was 29; in 1875 it was 26; in 1876 it was 29; in 1877 it was 26; and in 1878 it was 26. I ask those hon. Gentlemen who still denounce the Land Act as robbery and confiscation, or who, like the noble Lord, are willing to admit that the Land Act was necessary, but, having swallowed the camel, still strain at the gnat—I ask them whether, looking to the effect of the Land Act, and contrasting that with the depression of land at the present moment, if the true inference does not appear to be that another measure, similar in spirit, but carefully guarded and restricted, is now wanted to improve the social state of Ireland and give additional security to land? The noble Lord has, if I may say so, a good deal attenuated the character of the Irish distress. He refers with just pride to his own exertions and those of his distinguished relatives in guiding the

stream of charity for the purpose of mitigating the calamity of the time. But, without the least contesting what he had said with regard to the imposture that creeps in, not only to the waste but absolute perversion of the funds intended for the relief of suffering, I find quite enough in the statement of the noble Lord which admits that, although very partial in its character, yet that this distress is one of extreme severity. I believe it is not understating it, or overstating it, when we say that the two bad harvests of 1877 and 1878 were succeeded in 1879 by a harvest which in parts of Ireland was the very worst known since the time of the great Irish Famine. With these bad harvests the number of evictions increased. With the bad harvest of 1879 their number was greatly increased. The general conduct of the landlords, I admit, was highly to their honour, although there were exceptions. But, upon the whole, I call attention to the statement of my right hon. and learned Friend (the Attorney General for Ireland) in his most able speech. He pointed out that this was a distress due to the act of God—the succession of bad harvests produced in parts of Ireland an extreme state of things. In the failure of the crops, crowned by the year 1879, the act of God had replaced the Irish occupier in the condition in which he stood before the Land Act. Because, what had he to contemplate? He had to contemplate eviction for non-payment of rent; and, as a consequence of eviction, starvation. And this eviction, it is no exaggeration to say, in a country where the agricultural pursuit is the only pursuit, and where the means of the payment of rent are entirely destroyed for the time by the visitation of Providence, that the poor occupier may in these circumstances regard the sentence of eviction as coming, for him, very near to a sentence of starvation. Such was the state of things we had to contemplate; and when the noble Lord is severe on the conduct of the Government he will, perhaps, remember the number of weeks that have elapsed since we took the reins of power. I admit that when we passed the Land Act we did not foresee everything. We hoped we were going to pass into a normal condition. We sought in good faith to do that which we told the landlord we

desired to do. We told him that while, on the one hand, we created a new estate for the tenant in the soil; on the other hand, we did not desire to give him, not only a continuance of security, but an increase of security, for the payment of his rent; and such, I believe, has been the effect of the Land Act. But I admit we did not foresee every contingency. We did not foresee that there would arise in Ireland, though only in parts of it, a state of things analogous to that state of things which led to the legislation of 1847. It has arisen, and the question is, how are we to deal with it? We are now going, I admit, to constitute an exception to the Land Act. What justification ought we to show for the exception? In my opinion, it should be shown—first, that the necessity is strong; secondly, that the remedy is carefully adapted and carefully limited to the necessity; and, in the third place, that the case is of such a nature that we have taken effectual precautions against being betrayed unawares into the establishment of a dangerous precedent. Let me try the case under these three heads. We are going to establish an exception to the Land Act. Well, it is well to consider to what it is we are going to establish an exception; because here, again, I believe, that until the discussion of this Bill began, many hon. Members were quite unaware of the real position of the landlord in Ireland with regard to remedies for the recovery of his land in cases of non-payment of rent. The noble Lord said he would not refer to the legal subtleties in the speech of my right hon. and learned Friend the Attorney General for Ireland; but there were some legal portions of that speech that were not subtleties at all. A great and broad principle was laid down, in the first instance, in the able speech of the hon. and learned Member for Dundalk (Mr. C. Russell), which was more largely unfolded by my right hon. and learned Friend; and I want to know from the lawyers on that side, as well as on this, whether it is true or not? The proposition is this—that every remedy which the landlord possesses for the recovery of his rents is left intact and entire by this Bill, and will remain in full force should this Bill become law. Did the noble Lord, who followed the speech of my right hon. and learned Friend very

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acutely and vigilantly, hear that statement? He did not contradict it. He is aware that it is true. He is aware that, by this plunder and confiscation, the landlord in Ireland, without the sacrifice of one farthing, will have every power that the landlord in England now has for the recovery of his rent. Surely, if that be so—and whether it is so the House is, perhaps, pretty well in a condition to judge—it may be thought that these attacks on the Government, as if they were undermining the foundations of property, are somewhat premature. Now, Sir, here, again, we come upon the painful history of British legislation. The House of Commons—and yet more the House of Lords—have legislated against the Irish tenants. They have provided and strengthened remedies unknown to the spirit of the English law for the purpose of increasing the power of the landlord over his tenant. I understand that anything like eviction for the non-payment of rent was unknown to the law of this land until the reign of George I., and it was then introduced as applicable exclusively to the case of leases. Various Acts were passed of which it is unnecessary to follow the history; and it was by the Acts of 1851 and 1860 that the Parliament of this country thought fit to establish and make effectual against the Irish occupier remedies of which the landlords in Scotland and in England knew nothing, and processes more stringent and severe than any previously adopted. I am quite unaware of any reason why the power of the landlord should have been fortified by such processes, which were not recognized by the general law of the land. The consequence of this was that the power of eviction was extended from leases to tenants at will and tenants from year to year; it was extended alike to cases of parole and of written agreement; and, having first been brought in subject to the limitation in amount imposed upon the Civil Bill Courts or the County Courts, the power was enlarged so as to embrace in its sweep the whole of the tenants in Ireland. Be it recollected it is only to that law—and not to the general law of the land for the recovery of rent, which will remain wholly untouched, as it is in England—it is only to this particular law, introduced, as I may say, behind the back of the Irish occupier, almost

in fraud of the Irish occupier, that we propose an exception. I do not say on that account that an exception is to be justified beyond what necessity and prudence require. Well, Sir, is the necessity not strong? It appears to us it is exceedingly strong. You have a visitation affecting the crops in a part of Ireland such, at any rate, as comes but once in a generation, for there has been no such visitation since 1847, or for the third part of a century. You have had, as we believe, capricious evictions to a certain and limited extent practised in Ireland, and those who have practised them are chargeable with bringing upon their more numerous and better-minded brethren in the class of landlord the consequences of their misconduct. We have had, as has already been stated, a great increase in the number of these ejectments. It appears from a Return of the ejectments reported to the Constabulary, that in 1846 there were 79; in 1878, 834; in 1879, 1,698; and in five months and 20 days of this year, 1,060—showing a proportion more than double this year over last, and a number last year more than double that of the year before. But these are only the numbers reported to the Constabulary. If we look to the total numbers we find that in 1878 there were 1,749; in 1879, 2,677; and, as was shown by my right hon. and learned Friend, 1,690 in the first five and a-half months of this year—showing a further increase upon the enormous increase of last year, and showing, in fact, unless it be checked, that 15,000 individuals will be ejected from their homes, without hope and without remedy, in the course of the present year. This is a serious and formidable state of things when it comes upon the back of long, angry, and sore recollections connected with a lengthened period of misgovernment in Ireland. Sir, to that only requires to be added the recollection of how it is that the law is enforced. In the West Riding of Galway alone nearly 3,500 men have been employed in enforcing the processes of the law; and these processes are now to be enforced not by units, nor by scores, for scores are not sufficient, but by hundreds; and when you have arrived at a state of things, however it be limited to a portion of the country—and I rejoice to think it is—in which hundreds of peace officers are required to be em-

ployed for the purpose of enforcing evictions, you have got dangerously near to something that would be called local civil war. If that is the case, the necessity is strong; and what is the remedy we propose to apply? Is it not a carefully limited and guarded remedy? You may devise other limitations if you will; but you will only devise them after you have come to recognize the necessity and to be in a condition so to devise them that they shall not interfere with the efficiency and purpose of this measure; and you will not devise them so long as you are content to indulge in the large and exaggerated accusations you have rained down in such abundance. Why does the noble Lord charge us with being in contradiction with ourselves, and say that we have had no information with reference to the subject-matter and scope of the Bill? It is one thing to have information with reference to a temporary necessity in the exceptional state of things created for us and recognized by this Bill; it is quite another kind of information which would be requisite for the purpose of renewing all the provisions of the Land Act, and considering in what respects they have succeeded, and in what they may have partially failed. We have ample information; the few figures stated to the House are ample to justify the present measure. It is limited in time, though, I believe, a particular date is not very easy to fix mathematically. It is limited in place again. We have drawn a line, the only one practicable for us to draw, perhaps not mathematically exact, but, at the same time, indicating a distinct intention. It is limited in subject-matter, because, as the noble Lord has seen, not one farthing can be allowed by the Judge under this Bill unless where, first, there is inability to pay; secondly, it is proved to be due to the recent visitation of Providence; thirdly, the tenant is willing to accept reasonable terms; and fourthly, the landlord unreasonably refuses them. For the interpretation of the word "reasonable," I will only refer to the Bill of the hon. Member for Mid Lincolnshire with regard to tenants' improvements. These are the limitations, and if you think there are others state them, and let us get rid of these general charges. The question now is, whether we establish a *prima facie* case for the principle of the Bill that something

ought to be done to prevent those extreme calamities which will arise when a portion of the nation, deprived by the act of God of the means of payment, is to be liable to eviction, absolutely without resource, and to the total confiscation of that estate provided for the tenant by the Land Act, in instances in which he has nothing to do with the unfortunate circumstances which expose him to it. And now with regard to the third condition I laid down, that the cause ought to be so well defined that you should not, unawares, establish precedents in cases of this kind. I will make this admission to the noble Lord and others who have spoken, that no man is more reluctant than I am to depart from the principles of the Land Act, and especially from that part of it which aims at giving the landlord increased security for the payment of his rent. I think it is almost an obligation of personal honour for us who were parties to it to maintain in spirit, though we may not in the letter, the whole bearing of the conditions of that Act for the improvement of the position of the owner as well as of that of the occupier. For that reason, I am as jealous as the noble Lord or anyone else can be of being led by this Bill to establish a precedent with respect to which I wish to reserve a perfectly clear discretion. But I venture to point out to the noble Lord, that if he is afraid of the precedent we establish by this Bill, the true danger of establishing such a precedent is to be found in the speeches of those who assert that it contains all those ulterior, wider, and unnecessary changes which we ourselves have declined to recognize as having any connection with the Bill, and as to which we desire to maintain our perfect freedom. Sir, I cannot state too broadly what I conceive to be the great safeguard which marks the present legislation as exceptional legislation, and which reserves for future and free consideration every other question, great and small, connected with the Irish Land Act. The security is that you have already created by Parliamentary legislation this exceptional state of things. I think the noble Lord was unintentionally most unjust to my right hon. and learned Friend in saying that he spoke in a spirit of vindictive legislation against the landlords. I do not speak in that sense; I wish to recognize their claims. I do not think

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my right hon. and learned Friend was in the slightest degree chargeable with that intention. For myself, I wish to avoid it, for I should regard it as a very great offence indeed. But you must take the facts as they stand. I regard the owner no less than the occupier as suffering in this instance by the act of God—not suffering to the same extent, but as truly suffering by the the act of God; and Parliament has recognized that state of facts, and has come down to contribute to the support of one portion of the community at the expense of the rest of the community. Well, Sir, that is the state of things. This is a proceeding on the part of Parliament which, if it were made common, would be pretty nearly a dissolution of society. It is a principle of the utmost danger, to be watched with the greatest jealousy—aye, just as great jealousy as the principle which is embodied in the present Bill. What has Parliament actually done? It has granted £1,250,000 in the shape of loans to the landlords. Supposing that sum to be taken, how much of it is the landlord to pay back? He is to pay it back subject to a deduction of £36 per £100; so that the portion of the £1,250,000 offered to the landlord for the improvement of his estate—[Lord RANDOLPH CHURCHILL: Not merely as a boon.]—I know it is not a mere boon to the landlord. I am speaking simply of what the State is doing for the landlord and the occupier together. I cannot consent to regard their interests as separate, as the noble Lord seems to do. Of the £1,250,000, no more than £800,000 can ever come back to the Church Surplus; so that £450,000 is a gift. Of the £250,000 advanced to Guardians, reckoning it in the same way, the re-payment will be made less £16 for every £100—that is, there will be a gift of £40,000; £200,000 more is now to be placed at the disposal of the Government for the purpose of meeting this distress. Well, Sir, that is a sum in all of £690,000 actually given in relief to various bodies in Ireland. But you will, perhaps, say that the State has done nothing. The State has done little compared with what the Church Surplus has done; but, at the same time, the State gives £130,000. We have given a large sum of money—£600,000—for two years, without interest, to purchase seed, and £45,000 for piers, and we have just made a re-

mission of interest as to the Church Surplus Fund of £54,000—that is, £130,000 of the total figures I have read of £820,000. Now, I am not drawing a distinction, or saying that all this is for the landlords; but I say it is given to the landlords and tenants together, of these districts—it is the gift of the State, and of Ireland particularly, from an Irish Fund, to the landlords and tenants of these districts. Now, let us divide a little between the tenant and the landlord. Where would the landlord have been if this gift had not been made? Are we really so cruel to him in proposing that in exceptional and extreme cases, where a man has no power to pay, he shall have some indulgence, limited and guarded as it is by the Bill? In answering that question, consider the position in which the landlord once stood towards the law. Why, Sir, he stood liable, through the medium of Parliament, to feed sufficiently, out of the produce and value of his land, every one of those hungry mouths—liable to well and sufficiently sustain them, and that without aid from a Church Surplus or the Exchequer. That, Sir, is the direct, the absolute, the legal liability of the landlords of Ireland. Some men of singularly-framed minds may believe that Parliament has not, in providing these means for the landlord's assistance, enormously benefited his condition, and that we are other than wise in taking some precaution against his endangering the peace of the country by pursuing to the extreme those processes of eviction of which he has become the master by legislation, quite as peculiar, I will venture to say, as any now proposed. My right hon. and learned Friend has said, and truly said, that no doubt we, like others, are liable to err. Our object in this Bill is not to sooth the feelings of anyone—to conciliate the support of anyone. It is not our object to attain any indirect or secondary purpose. If there be a special object in it, it is this—that we may be enabled, with a firm and unflinching hand, to maintain the principles of law and order in Ireland. But we do regard with a repugnance—which some hon. Gentlemen do not, however, seem to feel—the introduction of armies of agents of the State, for such I may call them, of regiments of Constabulary, for the purpose of conducting what ought to be peaceful operations. You

will tell me that this is all caused by the anti-rent agitation, and the noble Lord has complained of my right hon. and learned Friend because he did not dwell upon the existence of that anti-rent agitation. I admit the existence of that which, in some parts of the country, may, undoubtedly, be called a conspiracy—not against the payment of rent only, but against the payment of all just debts. I am not able to draw a distinction between rent and other debts. Rent must be regarded as a just debt, and no admission will be made by me, or by any of my right hon. Friends, I am quite sure, which will tend in any way to weaken that proposition. But what we fear and what we feel is this—that there is no such sure way of strengthening the anti-rent agitation as leaving some pleas of justice in the mouths of those who promote it; and that there is no way of making war upon the anti-rent agitation which is so sure to have effect as that of drawing a broad and clear line between the cases where a man is stripped by the visitation of Providence of means of payment and is willing to offer reasonable terms, subject to the tribunals of the country, and cases, which the noble Lord assumes to exist—I cannot say whether they exist or not—where, under the influence of the anti-rent agitation, persons able to pay allow themselves to lose house and home rather than pay. [Lord RANDOLPH CHURCHILL: There are hundreds.] I do not say that such cases do not exist; but I confess I am greatly sceptical. It is supposing terrorism to have reached an extraordinary extent, and one not extensively proved to us. It is a somewhat astounding proposition to say that persons having no means of support on eviction are willing to be driven forth on the wide world when the means are in their pocket by which they might secure themselves in possession of their homes, which, whatever may be said of the Irish peasant, all will admit he most fondly loves. Sir, it is in order to oppose such agitation and conspiracy, it is in order to maintain effectually the rights of property, it is, at the same time, in order to maintain the peace of the country and the supremacy of the law, that we hope the House will not decline to pass a measure which we believe to be called for by a strong necessity, which we have endeavoured to limit to the bounds of

that necessity, which rests wholly upon an exceptional state of things already created in characters that cannot possibly be mistaken by the proceedings of Parliament itself, and which we believe to be alike calculated to promote the comfort of the poorest of the population, the security of the rights of property, and the supremacy of the law in Ireland.

MR. MARUM said, he must take exception to the statement that the distress in Ireland was solely owing to the failure of the crops. He had a strong feeling that it sprang from the land tenure system and the altered agricultural conditions. It was the want of observation of these facts that had influenced the noble Lord and other speakers. The rental of Ireland, which was £4,000,000 before the Peninsular War, rose in 15 or 12 years to £9,000,000. He must here draw a broad and honourable distinction between the landlords of Ulster and those of the other Provinces. The landlords of Ulster had always observed rules in relation to their tenants which were ignored by the Southern landlords, and it was by the latter that the enormous increase of rent he had referred to was chiefly made. Under protective duties the value of land went on increasing till 1846, when the rent was £11,000,000. Up to the last two or three years tillage farming had suffered from the importation of corn, but live meat importations had struck the last blow at the Irish tenant farmer. While America was acting in this manner did the landlords of the United Kingdom take one step to support the tenants, in whose condition they ought to have had a partnership interest? On the contrary, it had been by coercion acts that they had met the tenantry. In the meantime the tenants had purchased the highways and public roads, and had built the workhouses and other institutions. These works were really accomplished by the tenants, and fully 25 per cent of the value of the estates in Ireland might be fairly chargeable with these works. As to the private works, by reclamation of the land by fences and other things on their private holdings, the tenantry had likewise contributed fully 25 per cent of the value of the estates. What ground, therefore, was there for hard words and talk of confiscation? He should think language of that kind might be better applied to

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the landlords than to the tenants. The tenant farmers had laboured under an increased cost of production, and, owing to the undulating soil and the humid climate, machinery could not be brought to bear to the extent in Ireland that it could in other more favourable countries. While the course of production had risen, the prices of produce had become reduced with wheat being sold more cheaply than it could be grown in Ireland. The home producer could not meet the foreign competitor. Within the last few years an enormous expansion of credit had taken place in Ireland, and farms were being worked by men who were deplorably in debt; and up to the present their pride had enabled them to struggle on. The present distress was said to be a temporary calamity and would pass away. On the contrary, the banking system had enabled the tenants to pay their rents; but the bubble had burst, and in 12 months a large part of them would be much worse off than now. If there were a good harvest the farmers would have a crowd of creditors coming on them; so that they had this anomaly, that it was almost immaterial to the tenant whether his harvest was a good one or a bad one. By the system of agency estates were often put into the hands of men who knew nothing of agriculture, and whose only principles were competitive letting and the absorption of tenant's interests; and, in the end, he noticed transformation of tillage into pasturage, and the consequent loss of crops. The hon. Member was arguing that by population and the decrease of tillage Ireland had lost £150,000,000 during the past 30 years, when—

MR. SPEAKER said, he must remind the hon. Member that the question before the House was the relief of distress in Ireland, and his observations scarcely seemed to him to be relevant to that question.

MR. MARUM intimated that he would reserve his observations for some future occasion when the subject of land tenure should be under discussion. In conclusion, he asked the House to bear in mind that while England was a commercial nation, Ireland was principally an agricultural country, and it should not, therefore, censure Irish Members very much if they asked that different principles of legislation should be applied to Ireland.

MR. EVELYN ASHLEY said, he addressed the House not in his capacity as a Member of the Government, but as an Irish landlord who owned property in one of the scheduled districts. He was not in the least alarmed at the proposals of Her Majesty's Government, and what he said on this subject was the result of conviction and examination. If evil consequences had already been brought about in Ireland, he unhesitatingly asserted that they were the direct result of the exaggerated language used by the opponents of the Bill, and that they were in no way the result of the provisions of the Bill itself. The able and amusing speech of the noble Lord the Member for Woodstock (Lord Randolph Churchill) was only one more illustration of how much easier declamation was than argument. The whole foundation on which the confis- catory denunciations of the Bill were based was a notion that, in the words of the noble Lord the Member for Woodstock, it was a measure to enact that the right of the landlord should not be enforced. In reality, the Bill was nothing of the sort. Its object was to make the landlord pay if he were determined to take advantage of the present state of things to obtain possession of his land at all costs and at whatever suffering to the tenant. It was absurd to suppose that under any provision of the Bill a single tenant who could pay would not pay sooner than be evicted and receive the compensation which might be awarded to him. Although he supported the Government Bill, it was impossible not to say that during the last 12 or 18 months the landlords had had very hard measures meted out to them, and were often treated as pariahs of society. Having been the objects of much opprobrium, they were in a state of nervous prostration, and believed that any measure which they considered to be a result of the land agitation must be detrimental to their vital interests. But *post hoc* was not always *propter hoc*, and, in his opinion, nothing in the Bill had been prompted by the denunciations of the land agitators. It was all very well to say that most of the Irish landlords were humane men. That, of course, was the case; but, at the same time, it could not be denied that there were a certain number of landlords and agents who might think

the present a favourable opportunity for clearing their estates; and no matter how small the proportion might be, even if it was no more than 1 per cent, it was the duty of the Government under the circumstances to interpose. A great deal of wholly unnecessary alarm had prevailed respecting the measure before the House. He believed that it would prevent no reasonable landlord from receiving as full an amount of rent as under the existing law. It would apply only to cases in which payment was impossible. Judging from his own knowledge of Ireland, he should say that there was no Communistic feeling among the peasantry against the payment of rent. On the contrary, the payment of rent was generally regarded almost in the light of a religious duty, except where the agitators had lately stirred up the people, though, no doubt, the object of every tenant was to pay as low a rent as possible. That was a purely natural desire; but, subject to that proviso, the small Irish farmer was ready and willing to meet his engagements. It was to be remembered that under the provisions of the Bill the claim for compensation must come from the tenant and after he was evicted, who, on summoning his landlord for compensation, would have to prove the justice of his case. The onus of proof was thrown on the tenant. It had gravely been suggested that an evicted tenant might obtain compensation and, after paying arrears, might, under his six months' right of redemption, return to his holding with the balance of the compensation money in his pocket. He need not say how absurd it was to imagine that a tenant could keep both holding and compensation; but this was an illustration of the wild and unfounded alarms which the Bill had roused. With regard to the speech of the noble Lord the Member for Woodstock, hon. Members who, for Party purposes, used such language, had only themselves to thank if the effects of the introduction of the Bill had been in some instances rather unfortunate. He deprecated very strongly the idea that the Bill should not now be passed, because, after the language with which it had been met, the only thing that could convince the people of Ireland as to its real import would be its enactment. He would undertake to say that, if the Bill passed, the Irish tenant would very soon

understand that it was not a measure in accordance with the views of agitators, but that it was intended only to throw the ægis of protection over the honest and ill-used farmer. The operation of the Bill would speedily show that the Liberal Party had supported no measure of confiscation. It would reduce, rather than aggravate, the present difficulty; and he trusted that it might be allowed to become law.

SIR H. HERVEY BRUCE said, that only one Conservative Irish landlord had spoken in the debate, and that the others, who had waited to hear the reasons for the Bill, had failed to discover them. They found no principle in any of the speeches of the supporters of the Bill, and nothing but pity and compassion for the tenants, combined with an opinion that a fine imposed upon one section of the community would meet the difficulties of the case. On looking at all the circumstances, he was convinced that, though deep distress undoubtedly existed in many parts of Ireland, many prosperous tenants had been prevented from paying their rent by the arts and incitements of agitators. He had heard with pleasure the denunciations of those persons by the Prime Minister and the Chief Secretary; but he feared that, all the same, the popular idea in Ireland would be that the Government supported the peasantry in their unlawful agitation against the payment of rent. The speech of the right hon. and learned Gentleman the Attorney General for Ireland had astonished him. He regretted that speech, because he thought it likely to have an effect not intended, though he was not much surprised at the somewhat harsh view taken by the right hon. and learned Gentleman of the landlords. If any landlord who improved his property by consolidation was to be blamed as he was blamed, he (Sir H. Hervey Bruce) believed, that evening, then people would be afraid to improve their property in the way in which it was the duty of Irish landlords to do. He feared this Bill would give a great increase of employment to gentlemen of the learned Profession. If it did so, he wished to know whether they would like to wait for two years before they were paid for their services to tenant farmers? Strong expressions had been used against landlords with reference to the advance of

money to them, as if it was a boon to them, and as if it was not asked for in order to enable them to act charitably towards poor people by giving them employment. As to the power of eviction, he granted that it was sometimes harshly used; but if that power of eviction were taken away for two years, he was afraid there were a great many people in Ireland who would say there was nothing dishonest in not paying for two years. It would have been a much fairer, more statesmanlike, and more generous plan than this Bill to have legalized over the whole of Ireland a certain amount of the Ulster custom. After adverting to a letter which appeared in *The Times* that day from one of the largest landlords in Ireland (Mr. King Harman), to whose opinions he said hon. Gentlemen below the Gangway would pay some attention, the hon. Baronet said he would next allude to the conciliatory speeches of the Chief Secretary, who, probably, was almost ashamed of the Bill he had introduced. The right hon. Gentleman used kind language; but he failed to see in his arguments any reason for depriving landlords of the power which they had, and for giving their money to their tenants and to the money-lenders of Ireland. The right hon. Gentleman wondered why he (Sir H. Hervey Bruce), who was not in a scheduled district, objected to this Bill. He objected to this Bill because he knew that ill weeds grew apace, and he did not think the right hon. Gentleman, or all the talent on the Treasury Bench, would be able to prevent this question of non-payment of rent spreading over all Ireland. He wanted to know in what way would these tenants be better prepared to pay rent at the end of two years than now? He was afraid this Bill was no act of kindness or generosity to the tenants themselves. He feared that it would induce tenants who were able to pay to use their money in other ways, and that when the third year came they would be in a worse condition than they were now. Would the Government, at the end of the two years, find money for people to pay their back rent with; or would the Government permanently fine the landlords for being lenient and kind to their tenants? If no rents were paid, how were landlords to pay taxes, or meet their current expenses? Why

should the indulgence proffered be shown to the tenant farmers of the disturbed districts in Ireland, while it was refused to the orderly English tenant farmer? When the latter found himself unable to pay his way, he gave up possession of his land in a peaceful way, whereas the Irish tenant farmer in those districts where agitators had influence tried to avoid paying his rent as long as he could do so safely. Why was this exceptional mercy to be shown to the Irish tenant farmer at the expense of a particular class of the community? In his opinion, it would have been far wiser for the Government to have brought in a measure to extend the Ulster custom to Ireland generally than to have introduced this Bill. A great deal of stress had been laid upon capricious evictions, but he did not believe such evictions were general. In any case, however, it would be better to punish the harsh landlords individually than to punish the good and bad equally. Why had the Government allowed themselves to be influenced by those who had neither law, justice, nor equity on their side—who thought fit to hold up the landlords of Ireland to odium and execration, and who characterized them as the hereditary enemies of the Irish people? The Land Act was the law of the land, and he and those who thought with him desired loyally to obey it; but it contained many unjust and unwise provisions. Thus the provision that abolished freedom of contract between landlord and tenant was a great blot on the statute, and took the people out of the hands of their landlords in order to place them in those of the money-lenders and of the small shopkeepers, who dealt far more hardly by them. If freedom of contract between the Irish landlord and tenant could be restored it would be a most fortunate thing for the country. He was afraid, however, that the views of the Government did not run in that direction. They were willing enough to protect the tenants from their landlords, but they would not protect them from each other. Nothing could be more terrible than the thirst for land which prevailed in Ireland, and which induced the incoming tenant to pay the outgoing tenant 40 years' rent of a farm in order to obtain possession of it as a mere tenant at will. The result was that men got up to their ears in debt merely to obtain possession of a farm

which they were powerless to cultivate because they had not sufficient capital. He failed to see how, under the provisions of this Bill, a County Court Judge would be able to decide that the non-payment of rent was caused by the prevailing distress. A short time ago, a well-known Irish agent told him of a case in which a man who had protested that he was unable to pay his rent had, on pressure, produced a roll of notes for an amount far beyond the amount due. In such a case how was it possible for the County Court Judge to decide whether the man was or was not able to pay his rent? On first sight the words of this Bill appeared to be wise, reasonable, and fair; but, looking more narrowly into their meaning, it would be found that they simply offered the tenant a premium not to pay his rent. When the people in Ireland heard it said by hon. Members in that House that they were to keep a firm grip of the land, they would believe the advice, and they would believe, further, that the Bill of the Government would give them that firm grip of the land. Therefore, although the wording of the Bill was good, the spirit was bad; it would lead to bad feeling, and would place the people in a worse position than they were before. It was a step towards Communism, and he would advise hon. Gentlemen on both sides of the House to consider well before they passed such a Bill into law. It was said that no complaints were made against the County Court Judges; but who would take the responsibility of complaining? Not the landlords surely, and not the tenants who were liable to be called before those Judges. It was only natural that no complaints on such a subject should ever reach the ear of the Government. The hon. Member for Dundalk (Mr. T. P. O'Connor) put this simply as a Fixity of Tenure Bill, and he avowed that openly and honestly. He admired the hon. Member's openness and honesty, though he differed from his reasons. The Government did not say they meant fixity of tenure. They said they meant no such thing; but, from the speeches they had heard, it was clear that was the object of those who supported them.

MR. T. P. O'CONNOR, interposing, said, the Government did not say that they were not in favour of fixity of tenure. He said nothing either one way or the other.

Sir H. Hervey Bruce

SIR H. HERVEY BRUCE, resuming his remarks, observed, that another reason why he objected to the Bill was that it seemed to him to show sympathy with agrarian outrage, and want of sympathy with peace and order. That was where the Bill failed most materially. It said to those who were loyal, and had paid their rents honourably, "We will do nothing for you; we can give nothing to those parts of Ireland that are quiet and peaceful. It is only to those parts which have been rendered disaffected by the eloquence of hon. Members that the Government are applying this Bill." This, he maintained, would unwittingly and unconsciously back up that portion of the people in their habit of committing agrarian crime. It was not much kindness to Irish landlords to allow them to get their property in the same manner that a money-lender recovered debts. He, therefore, failed to see in what respect it would prove the boon it was expected to be. The emigration of small tenants might be productive of good both to themselves and to those they left behind them; but emigration on the lines laid down by the Attorney General for Ireland would simply have the effect of taking all the bone and sinew out of the country—the able-bodied young men and women—and to leave only the old and the decrepid. The junior Member for Cork (Mr. Parnell) accused hon. Members on the Opposition Benches of obstructing this Bill. But what was most properly to be called obstruction—the searching criticism applied to this Bill, or the long, drawling speeches by which the hon. Member for Cork and his Friends delayed for 12 hours the progress of another Bill which was designed to relieve distress in Ireland, but which had the misfortune not to be drawn up in exact accordance with their ideas? This Bill, he feared, would starve many landlords out of Ireland; and after they were driven out of their native country by penury and want, it would be hard to bring them back again. Well, he wished the hon. Member for Cork and his Friends who were agitating this question joy of the country if they were themselves to become owners of the land in such circumstances. He, for one, should pity the unfortunate people who would be dependent upon them, after what he had seen of the spirit by which they were actuated in many of their

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which they were powerless to cultivate because they had not sufficient capital. He failed to see how, under the provisions of this Bill, a County Court Judge would be able to decide that the non-payment of rent was caused by the prevailing distress. A short time ago, a well-known Irish agent told him of a case in which a man who had protested that he was unable to pay his rent had, on pressure, produced a roll of notes for an amount far beyond the amount due. In such a case how was it possible for the County Court Judge to decide whether the man was or was not able to pay his rent? On first sight the words of this Bill appeared to be wise, reasonable, and fair; but, looking more narrowly into their meaning, it would be found that they simply offered the tenant a premium not to pay his rent. When the people in Ireland heard it said by hon. Members in that House that they were to keep a firm grip of the land, they would believe the advice, and they would believe, further, that the Bill of the Government would give them that firm grip of the land. Therefore, although the wording of the Bill was good, the spirit was bad; it would lead to bad feeling, and would place the people in a worse position than they were before. It was a step towards Communism, and he would advise hon. Gentlemen on both sides of the House to consider well before they passed such a Bill into law. It was said that no complaints were made against the County Court Judges; but who would take the responsibility of complaining? Not the landlords surely, and not the tenants who were liable to be called before those Judges. It was only natural that no complaints on such a subject should ever reach the ear of the Government. The hon. Member for Dundalk (Mr. T. P. O'Connor) put this simply as a Fixity of Tenure Bill, and he avowed that openly and honestly. He admired the hon. Member's openness and honesty, though he differed from his reasons. The Government did not say they meant fixity of tenure. They said they meant no such thing; but, from the speeches they had heard, it was clear that was the object of those who supported them.

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no better advocates than the hon. Member for Coleraine, he would say their cause was "forcibly feeble."

MR. W. CARTWRIGHT said, it was with great pain that he felt himself bound to separate himself from the Party with which he generally acted and oppose this Bill, which was of an exceptional and anomalous character. He had listened with attention to the speech of the Prime Minister; but he was still of opinion that any argument drawn from the Land Act of 1870 was entirely beside the question. He took objection to the Bill on the ground of principle as well as on the ground of policy and expediency. He could find no precedent in legislation which was in principle exactly analogous to this. It was a measure which offered facilities to a certain class to shelter themselves from their obligations to pay certain creditors, which creditors, in their turn, were not relieved from their responsibility of paying their own debts. The Bill had been accurately described by the Attorney General for Ireland (Mr. Law) as intended to meet an emergency. It was a Bill with regard to the distress in certain parts of Ireland to provide compensations to tenants upon failure of their crops. But he would notice, in the first place, that there was a discrepancy between the purport of the Bill and the Schedule attached to it which required explanation. The Bill provided facilities for the avoidance of payment of rent in the districts mentioned in the Schedule. But the area of distress was by no means commensurate with the area of the scheduled districts. It had been said that the Bill only deprived the landlord of one remedy, and that a remedy which was not possessed by landlords in England, while all his other remedies remained intact. That was technically true, but practically delusive. It was true that in this country the power of ejectment did not exist; but a power of re-entry existed, which was practically equivalent to that of ejectment. It had been said, too, that the Bill was limited in time and in the area to which it was applied. But what was likely to be its effect both within and without the limited districts? He would not pronounce a positive opinion; but he did not like to contemplate what would be the state of things on the 1st of January, 1882, when, probably, a large

number of evictions would take place. He wondered whether the Government would then think it necessary to pass another Suspensory Bill. It was denied that the effect of the Bill would be to deter capital from Ireland. But he could corroborate the experience of the right hon. Gentleman the Member for Westminster, as he knew of instances where the prospect of the Bill's passing had had that effect. It was the first time since he had had a seat in Parliament that he felt himself compelled to separate himself from the Liberal Party; but he was bound in conscience to oppose the Bill.

MR. FITZPATRICK said, that, as one who loved his country he was as anxious as any Irishman could be for its welfare and prosperity; but he believed the Bill would be mischievous and ruinous in its effects. It had been introduced by the right hon. Gentleman the Chief Secretary, but he did not believe it was really his handiwork. If the Bill was intended to prevent destitution, he would ask were the circumstances exceptional? Why, the Secretary to the Treasury had acknowledged that the circumstances were not exceptional. But was the Bill really one to relieve distress, or was it a Bill to establish a peasant proprietary? Or was it merely a sop to agitation, as he believed it to be? But the whole question had been befogged by legal quibbles. This Bill was the work of ignorant hands; and if was brought in with a good motive, those who brought it in were the more to blame for not having first consulted those who could have told them the facts. The Bill would affect not only the landlords but the whole capital of Ireland. It would affect the yeomen, the farmers, and the shopkeepers. Those men embarked all their capital in land whenever they had made a little saving. He was afraid that that class would be absolutely ruined by the Bill. The whole feeling of the country would be one of insecurity. They would be giving the people to understand that they could not rely upon the law which was passed in 1870, and they would create such a feeling of alarm in the minds of all concerned with the land of the country that the whole of the capital to be used, as well as the desire for improvement, would be driven out of the country. But, taking it for granted that it did benefit the men it was intended for, what would

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be the result of the two years' grace which would be given them? Why, they would be more deeply dipped in debt than ever; and then they were told that force would have to be employed, and that the law would have to be carried out to the utmost. What would be the result of that? The man would resist, and there would be more bloodshed, more trouble, and more misery. They were told by the First Lord of the Treasury that the Law of Distress could be put in force by the landlord; but let hon. Members recollect the operation of the Law of Distress under the Tithe-rent Law. He believed that it resulted in nothing less than practical war between the occupiers and the authorities. The Chief Secretary for Ireland had spoken of emigration as a good thing. Now, there was no doubt that emigration was the only solution of the difficulties of these poor people. ["No, no!"] He could tell hon. Gentlemen that the unfortunate people were only living from hand to mouth. In good times they were labourers in England, and in bad times they were obliged to live on charity and on the rates. He now came to what he believed to be the true test of the Bill. He believed it to be a mere sop to agitators. Was it a right or a good thing to those? They knew the state of the country, in parts of which terrorism of the worst kind existed. He maintained that the present year had done more, and would have done more if they had been let alone, to bring class and class together than ever had been done before. The present year had done much, and would have done still more, if there had not been interference, to bring class and class together. They had seen every class of persons speaking together with the sole object of doing good for the people; in fact, the country had got into such a state that everyone banded together for one common good. But by the passing of the Bill all this would be destroyed, and the country would be brought into a worse state than ever. He would read a letter from Mr. Hussey, a large owner of property in the South and South-West of Ireland, in which he gave his opinion of the Bill of the Chief Secretary for Ireland. Mr. Hussey said—

"I have been reading with attention the debate on Mr. Forster's Land Bill, and I venture to trouble you with my opinion on it. I receive rents from about 5,100 tenants, paying about

£90,000 a-year, in the districts to be scheduled under Mr. Forster's Land Bill, and in my opinion if it becomes law demanding rent will be a useless formality, and landowners will probably be met by a general combination to demand compensation, which they will wholly be unable to meet; no rents will be paid, and creditors, as in 1846 and 1847, will call in their money and force sales with unusual rapidity; and, in fact, all properties will stand a fair chance of being confiscated. In illustration of this I wish to mention that a friend of mine had agreed to borrow £6,000 on a rental of £2,000 a-year free of charges and Landed Estates Court title; the deeds were drafted; but the moment Mr. Forster's Bill was announced, the lender's solicitor said he would break off and would not lend one shilling on an estate affected by Mr. Forster's Act, no matter how large the margin was; and I have heard of similar cases. And even since the Bill was announced I see plainly that it has affected the tenants, and there is no anxiety on their part to come to a settlement. In conclusion, I beg to say that I am the most extensive land agent in the South of Ireland, and that if the Bill passes and Government do not put a stay on all demands affecting landowners, or do not lend them money to pay the tenants the compensation awarded to them, ruin is inevitable, and the most indulgent landlords will be the first to suffer."

He had also received a letter from Mr. Bentham, of the Standard Assurance Company in Dublin, who said—

"I always had the highest opinion of Mr. Forster's ability, but in this matter he has been completely befooled or otherwise led astray. I have never seen anything in my time of equal importance or danger with this Bill. Even the mere attempt to introduce it, whether it pass or not, is of serious importance, and shows to what length they are prepared to go. But I hope and believe that the sense of the country will be manifested before the second reading, and that the Commons will throw out the Bill if the Government have not the sense to withdraw it. For myself, I am disgusted beyond measure. You know how I have struggled to like everything Irish and to see all that is good in the country. Now I feel quite disheartened. We thought the Land Act, 1870, went quite far enough. At that time all the Scottish Offices sent combined statements of the amount they had on loans in Ireland with a view of persuading Mr. Gladstone to modify some objectionable clauses, which he did. We recognized in that Bill that the landlord might have a difficulty in dealing with the land as a commodity and with their tenants. But we thought it made the rents absolutely secure. This Bill will make them absolutely insecure. Since 1870 I suppose I have lent by my own hand something like £1,250,000 in Ireland. But I have closed my doors, and I have refused to carry out two loans already agreed to where some want of promptitude on the borrower's part (in completing title) gave me the excuse. I am sick of their eternal legislation, and I wish I was out of it. I do not know what the Scotch Companies will do, but I have no doubt strong pressure will be brought on the Government by Scotch Members. I am

was an enunciation on the part of the Government of a novel and tremendous principle—namely, that whenever a bad time came then it should be right to prevent a landlord from recovering his property, and to give the tenant a proprietary right in the soil. In any circumstances, that would be a bad policy for Ireland; in the face of the sinister agitation of last winter, it was a dangerous policy. Time travelled fast, but surely not so fast that they could forget the character of that agitation. Nor could they forget the language that was used, not only in Ireland, but in America. He did not wish to allude to the words of irresponsible agitators; he alluded to speeches which had been made by hon. Gentlemen who had seats in that House. What was the character of that agitation? The language of hon. Gentlemen did not imply that they would be content with an equitable re-adjustment of rent, with a reduction of rent on account of distressed circumstances—that language was an incitement to the people of Ireland to pay no rent at all. It was a claim on behalf of the tenant to proprietary right in the soil; the amount of rent to be assessed by himself. It took the matter entirely outside the range of law and equity, making it a question of appeal to force. Did the right hon. Gentleman believe for one moment that when this Bill was passed, the hon. Member for Mayo would not go to his friends in Ireland and say—“The Government have admitted the principles of this Bill; you have only to agitate a little more and we shall get rid of the landlord and the rent together.” With regard to the position of the landlord in this matter, the right hon. Gentleman said it was not the case that the landlord would be in a worse position than any other creditor. That was true. The landlord would be in the same position as any other creditor. Up to the present time, whether rightly or wrongly, the landlord had been in a better condition than any other creditor, and the Government were proposing to take away from him the means of replacing a bad tenant by a good tenant if he wished to do so. The right hon. Gentleman said these were exceptional times, and that such times required desperate remedies. The figures that were given by the Attorney General for Ireland the other night proved a very sad and distressing state of things in Ire-

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land; but it appeared to him a rather lame conclusion to propose this Bill as a remedy. He could not bring himself to vote against this Bill which had been brought in by the Government. They had a responsibility under the present distressing state of things in Ireland. But he wished the First Lord of the Treasury would make a concession with regard to this Bill, and would consider the condition of the landlords. He had no wish to oppose the Government on this matter, and if he could he would desire to vote for the second reading; but as the Bill at present stood he could not do so. If, as had been said, there was a combination on the part of landlords to consolidate their farms, to add acre to acre, to take advantage of the position of these tenants, there might be some justification for legislation; but no facts had been adduced in support of that statement. At any rate, a more temporary measure, having effect at the end of the year, would have been more advisable, enabling the Government to gauge the distress and see how the case really stood.

MR. ARTHUR ARNOLD said, he thought that the Bill was entirely consistent with the rights of property, and it was because he considered the House was the proper guardian of those rights that he appealed to the House to support the measure. Comparing the conditions of English agriculture with those of Irish agriculture, he pointed out the wide difference that existed between them in connection with the manner in which improvements had been effected. Writing in 1870, before the passing of the Land Act, Mr. O'Connor Morris, the distinguished Correspondent of *The Times*, had observed—

“That if the landlords in Ireland had properly discharged their duties the formidable problem of how to compensate the tenant for his improvements without interfering with the rights of property could never have arisen, and the class who had created the wealth of the country would not have found themselves deprived of their legitimate property by dishonest landlords.”

He asked hon. Members whether, when something like a property right had grown up on the part of the tenant, it was reasonable that the latter should be deprived of that right? He saw several hon. Gentlemen on the Opposition side of the House who were highly distinguished members of the Royal

should be in the same position with respect to damages for evictions for non-payment of rent as the holders of tenancies which existed before 1870. That was a distinct breach of the understanding upon which the Act of 1870 was passed. If this Bill could not be regarded as a temporary measure, neither could it be looked upon as limited in area. How could they deprive tenants in other parts of Ireland of the advantages that were to be conferred on those in the distressed districts? The right hon. Gentleman had said that it was not a question of distress, but a question of right and of justice. The tenants of other districts would take the advice of the hon. Member for Mayo and endeavour to prove their inability to pay their rents, and would ask why they were not to have the same advantages as the tenants in the distressed districts. A friend of his who owned land in the distressed districts told him only last week that he had a letter from his agent, stating that he could not expect to give him during the next two years one shilling from his property in those districts. It might be said that that was an exaggeration of the effect of the Bill; that the County Court Judge would have to decide, and if he decided against the tenant, the tenant would have to pay. But the County Court Judge would have a difficult task in valuing the rents—for that was what it practically came to—and if he decided against the tenant he must have an iron nerve in these troublous times, because the risks of the agent and of the landlord would be transferred to the County Court Judge. The hon. and learned Member for Dundalk (Mr. C. Russell) had said the other day that the Government had only touched the extreme fringe of that question. If that were so, he (Mr. Brand) would like to know what was the kernel of it. The hon. and learned Member seemed to aim at fixity of tenure with fair rents. But the most illustrious men of that House would oppose that measure, because in the debates on the Land Act of 1870 the right hon. Gentleman the Member for Mid Lothian had exposed with elaboration the absurdity of putting upon an outside authority the duty of valuing rent. The present Bill was identical in principle with the Bill of the hon. Member for Mayo, and was not a legitimate extension of the Irish Land Act,

but was an application of the principle of the Irish Land Act to a fresh set of cases to which the promoters of that Act promised it should not be applied. The hon. Member for Mayo would be frank enough to say that he accepted the Bill as an instalment, and that he would use it as a lever to make the measure apply permanently and universally over Ireland. The hon. Member for Grantham (Mr. Roundell), in defending the Bill, said he took his stand on the Irish Land Act. He did so, too; but he disagreed from the hon. Gentleman in his interpretation of that Act. The justification of the Irish Land Act was that the conditions of the occupancy and tenure of land in Ireland were different from those of England, and that principles of legislation which were applicable to the former country were not applicable to the latter. It was urged that Ireland was a country of small holdings, the occupiers of which were not able to make free contracts with their landlords, and the Irish Land Act limited the interference with freedom of contract to holdings of £50 and under. Again, in England the landlord executed all the repairs, kept the land in perfect condition for the tenant, and thereby a community of interest had arisen between the two; whereas in Ireland there was an absence of that community of interest, while, moreover, there was the sad fact, caused partly by iniquitous legislation and partly by the character of the people, and that there were more people in Ireland than the land could support. Damages for eviction were strictly limited by the First Lord of the Treasury to tenancies which existed at the time of the passing of the Act. This Bill would apply to all tenancies—to tenancies created subsequently to the Act of 1870, to tenancies created at any time. The right hon. Gentleman, in moving for leave to bring in the Irish Land Bill, said—

“With regard to all prospective contracts, it is absolutely necessary that if a landlord evict for non-payment of rent there should not be in the sense of the Bill a disturbance of the tenant by the landlord, for the tenant will disturb himself by non-payment of rent.”—[3 *Hansard* cxcix. 380-1.]

He (Mr. Brand) contended that this Bill was not a legitimate extension of the Irish Land Act as far as concerned the tenancies created since 1870, but that it

was an enunciation on the part of the Government of a novel and tremendous principle—namely, that whenever a bad time came then it should be right to prevent a landlord from recovering his property, and to give the tenant a proprietary right in the soil. In any circumstances, that would be a bad policy for Ireland; in the face of the sinister agitation of last winter, it was a dangerous policy. Time travelled fast, but surely not so fast that they could forget the character of that agitation. Nor could they forget the language that was used, not only in Ireland, but in America. He did not wish to allude to the words of irresponsible agitators; he alluded to speeches which had been made by hon. Gentlemen who had seats in that House. What was the character of that agitation? The language of hon. Gentlemen did not imply that they would be content with an equitable re-adjustment of rent, with a reduction of rent on account of distressed circumstances—that language was an incitement to the people of Ireland to pay no rent at all. It was a claim on behalf of the tenant to proprietary right in the soil; the amount of rent to be assessed by himself. It took the matter entirely outside the range of law and equity, making it a question of appeal to force. Did the right hon. Gentleman believe for one moment that when this Bill was passed, the hon. Member for Mayo would not go to his friends in Ireland and say—“The Government have admitted the principles of this Bill; you have only to agitate a little more and we shall get rid of the landlord and the rent together.” With regard to the position of the landlord in this matter, the right hon. Gentleman said it was not the case that the landlord would be in a worse position than any other creditor. That was true. The landlord would be in the same position as any other creditor. Up to the present time, whether rightly or wrongly, the landlord had been in a better condition than any other creditor, and the Government were proposing to take away from him the means of replacing a bad tenant by a good tenant if he wished to do so. The right hon. Gentleman said these were exceptional times, and that such times required desperate remedies. The figures that were given by the Attorney General for Ireland the other night proved a very sad and distressing state of things in Ire-

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land; but it appeared to him a rather lame conclusion to propose this Bill as a remedy. He could not bring himself to vote against this Bill which had been brought in by the Government. They had a responsibility under the present distressing state of things in Ireland. But he wished the First Lord of the Treasury would make a concession with regard to this Bill, and would consider the condition of the landlords. He had no wish to oppose the Government on this matter, and if he could he would desire to vote for the second reading; but as the Bill at present stood he could not do so. If, as had been said, there was a combination on the part of landlords to consolidate their farms, to add acre to acre, to take advantage of the position of these tenants, there might be some justification for legislation; but no facts had been adduced in support of that statement. At any rate, a more temporary measure, having effect at the end of the year, would have been more advisable, enabling the Government to gauge the distress and see how the case really stood.

MR. ARTHUR ARNOLD said, he thought that the Bill was entirely consistent with the rights of property, and it was because he considered the House was the proper guardian of those rights that he appealed to the House to support the measure. Comparing the conditions of English agriculture with those of Irish agriculture, he pointed out the wide difference that existed between them in connection with the manner in which improvements had been effected. Writing in 1870, before the passing of the Land Act, Mr. O'Connor Morris, the distinguished Correspondent of *The Times*, had observed—

“That if the landlords in Ireland had properly discharged their duties the formidable problem of how to compensate the tenant for his improvements without interfering with the rights of property could never have arisen, and the class who had created the wealth of the country would not have found themselves deprived of their legitimate property by dishonest landlords.”

He asked hon. Members whether, when something like a property right had grown up on the part of the tenant, it was reasonable that the latter should be deprived of that right? He saw several hon. Gentlemen on the Opposition side of the House who were highly distinguished members of the Royal

Agricultural Society, and he would observe that in the year 1878 that Society, assembled at Paris, was anxious to present to the world something like a fair survey of the agricultural position of the United Kingdom; and, in order that that might be perfectly done, they engaged the co-operation of a gentleman who was considered to be the very highest authority on agriculture in Great Britain—Mr. Caird. ["No, no!"] Hon. Gentlemen might say "No, no!" but they must not forget the fact that the Report made by Mr. Caird on the Agriculture of the United Kingdom was accepted by the Royal Agricultural Society and by the country as a fair, legitimate, and reasonable Report. In that Report Mr. Caird said that the relation between landlord and tenant in Ireland was altogether different to the relation between landlord and tenant in England and Scotland. He (Mr. Arthur Arnold) held that that observation, made as it was by so distinguished an authority, would put on one side all that had been said of the analogy between the relations of landlord and tenant in Ireland and the relations of landlord and tenant in England. But, far more important than that, were the concluding words of the Report, upon which he would rest the whole of his case. Mr. Caird said that—

"Circumstances have thus brought about a situation in which the landlord cannot deal with his property with the same freedom as the landlord in England or in Scotland, either in the selection of his tenants or in the fair adjustment of rents, and this has in a great measure arisen from the neglect by the landlord of his duty in not himself executing those indispensable permanent improvements which the tenant is obliged to undertake, and who has thus established for himself a claim of co-partnership in the soil itself."

He contended that that co-partnership was a fact which ought to be admitted and accepted by the Legislature. Mr. Heron, formerly a Member of that House, writing in 1872, said that hundreds and thousands of tenants had been evicted in Ireland, although it was well known that by their labour and industry for years they had permanently increased the value of the land; and he added that on the temporary pressure caused by the Famine the tenant, unable to pay one year's rent, lost a real interest in the land worth many years' rent. There was no doubt that through the legislation of that House a tenant-right did

exist all over Ireland. The claim had existed, and did exist, up to the present moment. When the noble Lord the Member for Woodstock (Lord Randolph Churchill) talked of a Parliamentary title, and the importance attached to it, he confused the issue, for no one would deny that every one of the estates purchased in the Encumbered Estates Court was purchased with this unslumbering claim of the tenant, which now, because there was an exceptional state of affairs, was again presented to Parliament. That tenant-right claim had been handed down from generations, not one of whom had resigned it. The Act of 1870 solidified the claim, and it was now again embodied in this Bill. The Chairman of Ways and Means had lately contributed a very instructive Paper on the resources of America, and showed by figures which were unmistakable that, owing to the decline of agriculture in Ireland, the food production of that country had greatly decreased; and Professor Baldwin, a gentleman of whom the late Government thought so highly that they placed him upon the Commission of Agriculture, had shown in admirable Reports made to the late Lord Lieutenant that the production of Ireland would be enormously increased if its tillage were extended, instead of diminishing. It had been said that Ireland was over-populated. On the contrary, another 1,000,000 at least might live happily in it. If the population of Ireland were proportionately as thick as that of Jersey—he did not say it ought to be a third of it—she would have 30,000,000 of people. It was because he had studied this question, that he was convinced that this claim on the part of the tenants of Ireland was based on right and justice. Lord Halifax, on the occasion of the former Famine, had said—

"I confess, with pain I can scarcely describe, that the landlords or their agents are pursuing a system of ejectment under process for rent to an extent never before known in this country. If the same course is to be generally pursued, I shall despair of the country being ever relieved."

The hon. Member for Mid Lincolnshire (Mr. Chaplin), in speaking against the Bill, declared that no man was ready to go farther than himself in the direction of tenant right. The hon. Member lived in a county, the only English county,

found in the Bill of the hon. Member for Mayo as was to be found in the Bill of Her Majesty's Government; the differences were merely differences of detail, and there was not a single difference of detail which they would not be told by the Chief Secretary himself they could strike out when they got into Committee. Well, if that were so, was it not demonstration that the principle of the two Bills was the same? This was a kind of Janus-faced Bill. Its principle was for Irish Members, who were not asked to look at the details; its details were for the Whig supporters of the Government, who were asked not on that occasion to look at the principle of the Bill. And what was the attitude of the Third Party? The Irish Party were notable on that occasion for their most eloquent silence. No men were more capable of making eloquent speeches; but there was not one of them who could make a speech more significant or eloquent than in conveying their meaning to the House by their distinguished silence. He hoped the Government would answer this question—Would this Bill have been introduced but for the introduction of the Bill of the hon. Member for Mayo? That was a plain question, and it ought to be answered honestly—yes, or no. They talked of great principles and of great necessities, and of the importance of the Bill; but he would bring the matter to this test. If the hon. Member for Mayo had not brought in his Bill, would the Government have brought in theirs? Well, what was the difference between the position of the Government and that of the hon. Member for Mayo? The hon. Member was irresponsible save in the sense of being responsible for the performance of his duty to his constituents. Who were they? They were the people of Mayo, a county which had been impoverished by distress, and, he would add, demoralized by agitation; and the hon. Member took occasion to present the views of his constituents, and he did so by his Bill. But the position of the Government was entirely different. They were distinctly responsible, and when the Prime Minister said it was ridiculous to suggest that he would endeavour to conciliate any of the hon. Gentlemen who sat near the hon. Member for Mayo, and that such a suggestion was unworthy and absurd,

the right hon. Gentleman must have thought he was addressing Gentlemen of very little experience and knowledge of the world. The right hon. Gentleman could not be expected to make a grave announcement to the House that he did all this to conciliate the hon. Member for Cork (Mr. Parnell). Why, the whole conciliation would then be gone. It would be worthless; and if the hon. Member for Cork spoke in the debate he had no doubt he would repudiate the suggestion with indignation. The hon. Member would state that he was not satisfied with the Bill, with the usual addition that it dealt with a mere fringe of the Irish question, and that it would be absurd to say that it was anything like a settlement of it. Well, the Bill was built on the lines of that of the hon. Member for Mayo, and that was the outcome of the agitation prevailing in the county he represented; and it required a lengthened debate to show that it was not an act of spoliation directly traceable to agitation. The Relief of Distress Bill was introduced without the clause, and when it was introduced it was at once knocked out of the Bill. He asked hon. Members frankly, calmly, soberly, to look at the principle of the Bill, and he challenged their judgment with respect to these propositions. Land might be let at a moderate rent; that rent might be in arrear one, two, or three years. The landlord, who had to support himself, rear his children, and meet all his obligations, said to his tenant—"Keep your bargain to me. I am very sorry if you are unable to pay your rent; but give me back my land." That was done every day in England, and no fault was found. But this Bill said to the landlord—"No. Power is given to a Court to decide whether you are or are not unreasonable in your demand, and to mulct you in damages for your audacity if you look for either your rent or your land." These propositions were incapable of contradiction; and the Land Court in its discretion might—he did not say it would—award compensation to the tenant up to seven years of the rent for seeking to recover it. But it was said that the Bill was intended for unreasonable landlords. He would test that in a sentence. It could not be contradicted that on the construction and within the legitimate meaning of the words of

the Bill the County Court Judge could award damages against a man who had let his land at the most reasonable rate, and even under the market value. The Judge must award such compensation, and the only course open to the landlord was to go to the Court and adduce arguments or evidence to induce the Judge to mitigate the amount of the damages which he would award. Landlords would not be able to save themselves from the operation of the Bill by saying that they were ready to permit the sale of the goodwill of their farms. This was no condition of the Bill, and could not, therefore, be discussed on the Motion for the second reading, although it might be said that the Land Judge could take the circumstance into his consideration in fixing the sum which should be paid by a landlord for disturbance of his tenant. He had listened to the Prime Minister with great attention, as he always did, and failed to discover anything in contradiction of the principle which he now laid down. It was argued in support of the measure that it was a very little one, and was only intended to apply to distressed districts. An excuse of that kind had been used in other affairs of life. That very statement surely proved the indefensible nature of the proposal. It had been defended on account of the special poverty that overwhelmed certain classes; but its principle was to relieve one class at the expense of another. If the defence of the Bill was that the distress was so great that the Poor Law needed to be supplemented, in the name of common sense he asked why it was that the State did not bear that supplemental charge? It was a rate in aid of the Poor Law levied on one selected class of the community. Why was it on Saturday that the Government said that the existing distress was not great enough to warrant the Treasury in bearing the loss of the difference between the 1 per cent paid by the landlords and the 2½ per cent paid by the Government, although that loss would not exceed £3,000 or £4,000; and yet here, on Monday, they were found urging the extreme character of the distress as a reason for this Bill? The fact was that the Bill would apply the most harsh principle ever submitted to Parliament in a Bill in the harshest possible manner. It had been conceded by every speaker that a pro-

posal of this startling character could only be adopted on evidence of the most overwhelming necessity; but where was that evidence? There was none, and, moreover, the Chief Secretary himself had negatived the possibility of such evidence, for when opposing the Bill of the hon. Member for Cork he stated that there was now a prospect of a good harvest, more employment, and less distress; and that the Government believed that whatever distress did exist it would be within the machinery of the Poor Law to meet it. If the Poor Law could meet it, what justification, he asked, was there for placing this charge upon the poor Irish landlord? Was there no evidence of the condition of the country given in the clear and distinct answer of the Postmaster General the other night? The figures which were then read by the right hon. Gentleman showed that proportionately there was more prosperity among those employed in agriculture than among the landlords upon whom the Bill would impose the additional taxation, there being an increase not only in the amounts deposited in the Savings Banks, but in the number of depositors. That state of things was distinctly traceable to the circumstance that rents had not been paid in many cases by those who had the means of paying them. The measure would ruin many, very many, landlords, and would do very little good to anybody. It would do very little to benefit tenants, whilst its demoralizing tendency had already been widespread, and would, he feared, be irrevocable. Could anyone who had the slightest acquaintance with what was going on in Ireland, who wrote to a single banker, or a single insurance agent—he passed over the landowners, because they were considered outside the pale of the law at present—but could anyone doubt that the ruin caused by this Bill would be widespread, almost universal? [The ATTORNEY GENERAL for IRELAND: No!] Was it not obvious? [The ATTORNEY GENERAL for IRELAND: No!] He would invite the right hon. and learned Gentleman to get up and argue his negative. Was it not obvious that the poor landowner—and the majority of them were small—with his family charges, with jointures, with taxes, and with no rents for meeting those charges, would he not be of necessity ruined? If this Bill passed a landlord would have either to

forego land, or to borrow money to enable him to pay damages for its recovery. Whence would he get the means? Was the State going to lend to him? This was not in the Bill. Was the Money Market going to lend to him? Not according to the information they had had from Ireland since the introduction of this Bill. If this Bill passed the landlords would practically have to make up their minds that they would get substantially no rent for the next two years. The Prime Minister had gravely told them that the purpose of the Bill was to maintain the principles of property. Well, unless this statement contained a threat, he would say, with all deference, that it was absurd. To take away property, to make it irrecoverable, and then to say that they were thereby maintaining the rights of property was simply absurd, unless, as he said, it contained a threat. What was the threat? Why, "If you do not submit to this exaction we will not protect you in the execution of the processes of the law." Suppose the Bill were not passed, and its principles were not affirmed, did the Government mean to say they were going to let the property of Ireland go by the board, that they were not going to defend the processes of the law? If they did not mean that, he did not understand the proposition that on the second reading of the Bill depended the vindication of the rights of property. If the unfortunate landlord should get judgment in the County Court, would he be sure of getting possession? The cry of the agitation had been "fixity of tenure and fair rents;" but the right hon. Gentleman the Chief Secretary had gone further. His cry was, "fixity of tenure and no rents" for two years; or, if the right hon. Gentleman liked it better, no rents recoverable for two years—he did not see much difference—or rents reducible at the option of the tenant. Since this subject had been raised he had received so many letters in reference to it from persons in Ireland that he had made up his mind not to quote any of them; but there was one from an eminent Irish land agent, Mr. Kincaid, which he should be happy to show to the right hon. Gentleman as a specimen. It would give him some plain information about the character of the Bill. ["Read!"] Well, he had no objection to read it. It was as follows:—

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"It may be anticipated that the agitation against the payment of rent which was carried on all last winter will be continued after harvest, and will be greatly strengthened by the hasty legislation now proposed; the result will be the complete demoralization of the tenants in the West of Ireland, and it will be impossible to collect rents in the ordinary way. The landlords, having already exhausted the forbearance of their creditors, will be totally unable to meet the accumulating claims on their estates. Mortgagees will file petitions for the sale of the encumbered estates, and great expense will be incurred in the first instance. Unless matters improve, sales will be pressed forward as they were in 1850 and 1851, and enormous sacrifice of property will again be made."

They were told that the Bill was by no means designed to conciliate the hon. Member for Cork (Mr. Parnell). If that were so, some persons connected with the hon. Member for Cork must have been inspired with a spirit of very intelligent prophecy. Mr. Michael Davitt, a gentleman not generally understood to be in the confidence of the Prime Minister, writing to an Irish paper—*The Irish World*—so long ago as the 22nd of April last, used these remarkable words—

"A measure is to be introduced on the opening of Parliament to suspend the power of evictions. Moreover, a Commission is to be demanded invested with plenary powers to disestablish the London Irish Land Companies, with the absentee and rackrenting landlords. The Land Question in all its phases is now the great issue, and it will not be put down until it is settled on a basis of eternal justice. The friends of the cause are determined to push action in Ireland, and to continue this action on the lines of 'the land for the people and utter destruction of rent and feudalism!'"

The right hon. Gentleman told the House that the object of the Bill was to preserve property, and that it contained a promise or an engagement. He asked what promise, what engagement? Now, he was sure the right hon. Gentleman had no sympathy with the agitation on the subject; but it was, he thought, deeply to be deplored that a statesman occupying his position had said nothing to that effect throughout the whole of his speech. He had listened to the right hon. Gentleman attentively, and from beginning to end he had not uttered a single word to deprecate the continuance of agitation. It was much to be regretted, he thought, that he had not used a solitary expression which could be afterwards quoted by the friends of law and order in Ireland. But was the Bill, he would ask, calculated to confer

any real benefit on the tenant? It either went too far or not far enough. There were other creditors besides the landlord. Mr. King-Harman, in a letter which appeared in *The Times* that morning, said—

“On my own property I can cite several cases where cows given by me to struggling tenants were almost immediately seized by their shopkeeper creditors.”

It seemed, therefore, that while other creditors might pursue their rights to the utmost, the landlords were the only class who were to be left without a remedy. Many landlords had, he might add, held their hands even without being asked, and now they were told that they had done so in vain, and that the present Bill was introduced because they could not be trusted. The excuse was that it was only intended to provide against the bad landlords; but the bad landlords took care of themselves. They did not allow their rents to fall into arrear, and when they did fall into arrear they secured themselves either by means of ejectment or otherwise. The good landlords, however, who allowed two or three years' rent to remain over, were now to be sacrificed because they had shown a charitable disposition. It was, in short, proposed to legislate against the vast majority of Irish landlords, because it was said a handful of them were not good. A most able man, Sir Charles Trevelyan, had stated of the Hares and Rabbits Bill that it was the most indefensible measure which had been submitted to the House of Commons in the present generation. The description would well apply to this Bill. He might further observe that decrees had been in many cases stayed in Ireland either by consent of the landlord or by the operation of the Judge, who was at present clothed with the utmost jurisdiction to stay the execution of ejectment decrees as long as he thought proper. At the last Land Sessions the County Court Judge delayed the execution of the ejectment on his own motion until after January. But one County Court Judge, at all events, had not felt himself at liberty to put any stay on his decree since the introduction of the present Bill, because the landlord might be brought within the operation of the measure and ruined. Upon what was the Bill based by the Government? Figures?

Figures were a mere afterthought. Statistics did not cause the Bill. It was the Bill which caused the statistics. Had any hon. Member any figures before him by which to justify such a measure as this? The right hon. Gentleman, when he produced the Bill, had not a single figure on the Table to justify his action. He did not blame the right hon. Gentleman for not having any figures there, for the whole thing was got up in a hurry. When the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) came to speak, it appeared that he had been foraging for figures on his own account, and had sent telegrams to the sheriffs of five different counties in Ireland for information. And it was upon the hasty figures of the Chief Secretary for Ireland, and the speculative figures of the Attorney General for Ireland, that the House was asked to say that there was ground for passing the Bill. Of course, there had been an increase in the number of ejectments. How could it have been otherwise, when many rents had been due for two or three years? Could a contrary state of things have been expected in the face of the great anti-rent agitation, which preached to the tenant not to pay his rent? [*Cheers, and cries of "No!"*]

MR. FINIGAN rose to Order. Was it just, he asked, or in Order, for any right hon. or hon. Gentleman to assert what was not correct?

MR. SPEAKER not rising,

MR. GIBSON explained that, at all events, the agitation was called “the anti-rent agitation.” He supposed that that title must, at least, have suggested to the tenants to pay only such rent as they themselves should think reasonable. Everybody who read the Irish papers knew that on some occasions the tenants on rent days had appeared in numbers, so as to lend one another courage, and announced that they could not and would not pay. Other cases there were where good and honest tenants had gone quietly to the agent, when no one was looking, and asked for service of notice of ejectment, in order to have an excuse for paying their rent. Landlords had submitted, not only to reduction, but to having no rent at all, and they had enough to bear in the present distress without being assailed and vilified. He

was very sorry that his right hon. and learned Friend had thought it to be his duty to assail them by such statements as that—

“They proceeded, with a view to consolidate their farms, to enforce their pound of flesh, and to add farm to farm, in order to grow sheep instead of men.”

There was not a particle of foundation for such a statement. The assertion was one that was incapable of being proved, and which he challenged anyone to prove. The Government might introduce a Bill to take away the property of Irish landlords; but their characters might surely be left untouched. He had two witnesses for the landlords of Ireland, who gave their evidence before the production of the Bill, and upon whose evidence he relied to rebut the imputations made against the landlords. One of those witnesses was the noble Earl the Lord President of the Council (Earl Spencer), who said—

“Many landlords were ready to make abatement to the extent of from 25 to 30 per cent; but they were discouraged in their intentions to adopt that considerate course. For his part, he felt bound to protest against the doctrine which he had heard from time to time that the landlords, as a class, were harsh to their tenants, and he could not for a moment believe that that allegation could be proved.”

Who was his other witness? The right hon. Gentleman the Chief Secretary himself, who said, in the debate on the Report of the Address, when he was not thinking of this Bill, that—

“He had no proof himself that there was any desire on the part of the landlords of Ireland to take advantage of the present distressed condition of the tenantry to enforce their rents; and he should deeply lament it if that should be the case. He should consider that harsh conduct on their part at any time, and more especially in a season of distress, like the present, would call for the moral reprobation of the people of these Islands. But he must beg the hon. Gentleman (Mr. O'Donnell), and those who sat with him, to remember the responsible position of the Executive Government. If the existing law were allowed to be disobeyed in one case, it would be disobeyed in many cases, if not in all. It was impossible, even for those who were very anxious to reform the laws, to allow them to be trampled under foot, and to be defied. An illustration was presented by the case of a process server, serving processes, under circumstances of which he knew nothing, who had been stopped and searched, and robbed of a number of processes, those for debt being ten times the number of those for rent. That showed that, if the Government were to allow the recovery for rent to be defied, it would soon be impossible to recover any debt at all.”

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It was rather hard, in the face of that statement from the right hon. Gentleman, that these imputations should be cast upon the landlords. The increase in the number of eviction processes had been one of the results of the anti-rent agitation. At the last Spring Assizes two sets of prisoners in Mayo and Galway, who were found guilty by the jury of interfering with the service of the Queen's process, were recommended to mercy, not on the ground that their landlords were harsh, but because they had been misled by bad advice. The remedy of the Government for diminishing the number of process services, and getting rid of the expense of maintaining the police, was to prevent the landlords recovering their rent. It was said that the present law in Ireland was unfair, and favourable to the Irish landlords. He was glad of the opportunity of explaining, meeting, and refuting this statement. That was a most extraordinary statement. The right hon. Gentleman had said that that Act was passed behind the backs of the Irish people. He did not know whether the right hon. Gentleman had forgotten that that Act was passed in the year 1860 by a Cabinet of which he was a distinguished ornament. [Mr. GLADSTONE: I alluded to the Act which was passed in 1851.] That did not help the right hon. Gentleman. The right hon. Gentleman went back nine years, and said that that “peculiar” Act was passed in 1851. But that peculiar Act of 1851 was amended and consolidated in the year 1860, and the Act of 1851 was worked under the procedure established by the Act of 1860, which was passed by the right hon. Gentleman, and it was under that Act that these ejectments for non-payment of rent were established. Why had the right hon. Gentleman not done away with that peculiar Act, instead of amending and consolidating it? But the law of 1860 was not a peculiar law. It simplified and cheapened procedure, and saved money both to the landlord and the tenant. In particular, it saved the tenant from great cost, and simplified everything. It gave to the tenant this right—that in no circumstances could more than one year's rent be recovered by distress. There was also another advantage for the tenant. The tenant had the right given him, by a simple and summary process, of redeeming his farm

within six months of being evicted. There was a summary remedy of a cheap character which might be resorted to at the cost of a few shillings or a few pounds. Within six months, by a summary application either in the County Courts or before a superior Judge, the tenant might, on payment of the rent and costs, get back full possession of his tenancy, and compel the landlord to account. But he believed that the great majority of landlords did not bring ejectments until considerably more than one year's rent was due. The vast majority of evictions were for more than one year; many of them were for two years', and many even for three years' arrears. Then they were told that the landlord must seize the tenant's goods instead of ejecting. That was the alternative which was offered. But there was nothing to seize. Then, again, it was said, Let the landlord sell the tenant's interest in his farm. But then the tenant would be in a worse position than ever. It was also urged that the landlord should exercise the same powers as were employed by English landlords. But he denied that they had those powers. In England the landlord could distrain for several years' rent; in Ireland he was limited to one year. And if the landlord served a notice of ejectment, although there might be three years' rent due, the tenant would at once claim the benefit of the disturbance clauses of the Land Act. How, then, could the landlord in Ireland be put in the same position as he occupied in England? No two cases could be more dissimilar. Then there was the right of redemption possessed in Ireland, which had been passed over in the debate, and under which the Bill could do a monstrous injustice. Suppose a tenant had been evicted after two years' arrears of rent had accumulated; the tenant might get compensation for disturbance, and say that the compensation had wiped out the arrears, and bid his landlord good morning. That was what would happen in case after case. He had supposed two years' rent due; but if there were three years' rent awarded as damages, and the tenant was then permitted to redeem, the landlord would have to leave the tenant in possession, and give him one year's rent. How was a landlord to disprove the statements made by a tenant, and how was a County Court Judge, who was not a

witch, to find out that a tenant who said he was not able to pay was able to discharge the debt due to the landlord? Then it came to this—that a tenant who was unable to pay, or who said he was unable to pay, could state to his landlord—"Oh, you are very unreasonable if, when I am not paying you the rent I contracted to pay, you are not satisfied with my promise that I shall pay you a smaller rent in the future." Was it reasonable for a landlord to accept that? He must be satisfied with the promise, or be punished for being unreasonable. That was the meaning of what the Chief Secretary said. It seemed to him a startling proposition. If a tenant refused to pay now, and promised to pay a smaller rent in the future, it would be, under this Bill, unreasonable for the landlord to refuse to accept this promise. In other words—"No rent now, and a promise to pay less rent at a future time." He utterly denied that the principle of this Bill was to be found in the Land Act of 1870. This Bill was a violation of the Land Act, its principle and its exceptions; and he might refer to the speeches of the then Chief Secretary for Ireland (Mr. Chichester Fortescue) to show that ejectments for non-payment of rent were not disturbances under that Act, except in two cases—first, in old tenancies where there were arrears handed down from the Famine time; and, second, where certain lettings were made at exorbitant rent. How, then, could it be argued, on any wonderful Darwinian theory, that the germs of this Bill were contained in the Land Act? What had been dealt with by exception in the Land Act was the sole principle of that Bill, and that exception had been expressly introduced because it was stated that there had been an injustice in the landlords holding over stale demands and claiming exorbitant rents. What injustice could be suggested now against the landlords to warrant their being treated in the same way as the landlords who were open to those observations at the time of the passing of the Land Act? Then it was said that this measure was a small one, circumscribed both in time and in place, and that it would not do much harm. But its principle was large, its limitations were entirely illogical, and, like everything illogical, must sooner or later stand condemned. There was absolutely no consistent principle

on which they could stop in such legislation short of this—that where one of two parties to a contract was innocently unable to perform his share of that contract, the other party should be obliged either to perform his share of it or to compensate him for his non-performance. That was a very strong proposition. The measure was said to be small; but was not that the history of the first introduction of all dangerous principles—were they not in the first instance always moderate? No wise advocate of such a principle would ever present it at the beginning in its real proportions. It would be enough for him, partly by hiding in its details the true character of the measure, partly by fixing attention on the pressing necessity which was to be its excuse and justification, and, not least, by dwelling on the smallness of the effect to be accomplished by it, if he could induce men to admit, unconsciously it might be, the principle which was so important. Then, when the legislator of the day came to introduce the permanent measure which had been alluded to, the House would be startled when they recognized clearly its principle; but they would be told that their objection to it was too late, and that they had already admitted it. The leading journal, in writing on the Bill of the hon. Member for Mayo, described it as a measure which involved in a few lines a scheme of the most dangerous confiscation. He must really borrow those words to describe the Bill now before the House. When the right hon. Gentleman came to understand and realize, as he probably now did, the true bearing and effect of his Bill, he could hardly envy his reflections. The right hon. Gentleman had unquestionably ruined, or, at all events, unquestionably he would ruin, hundreds of landlords. He would break up many of their homes, and reduce many of their families to great distress and suffering without in the slightest degree rendering their tenants more contented. He had lowered the value of landed property in Ireland as an investment by hundreds of thousands, and even by millions of pounds. He had made it hardly available at all as a security; and he had encouraged agitation, though, doubtless, unintentionally, yet not less certainly. That agitation might have abated with a favourable harvest and

with returning prosperity; but the right hon. Gentleman had unquestionably given it a revival and a stimulus by adopting, possibly unwittingly, some of its principles, and one, at least of its measures. The agitators would, he thought, disregard the good advice and the cautious words which had been offered to them, and would concentrate their attention on the concessions they had obtained. He believed that those who were principally interested were, as he had said, the Irish landlords of the poorest districts. He hoped it was not too late to re-consider that measure. He admitted that the Government had a vast majority behind them; but surely they were numerous enough to be strong, and strong enough to be just. The Irish landlords, many of whom were constituents of his, had but few direct Representatives in that House. All they could hope for was that every Member in the House would, as far as he could, make their case his own; that they would consider their case with all the love of fair play which had ever characterized the British House of Commons. If they considered that case from the point of view he had suggested, he hoped they would refrain from giving a second reading to a Bill which was opposed to all the principles of sound legislation, and which would assuredly tend to the demoralization of the nation and the encouragement of a feeling opposed to honour, honesty, and justice.

THE MARQUESS OF HARTINGTON: Sir, I have no pretension and no desire, and I feel if I had a desire I have not the ability, to sum up this protracted debate, or even to follow the able speech which has just been delivered by the right hon. and learned Gentleman, who is so well qualified to enter upon all the aspects of the question. But the House will, I think, allow me to say a few words, before they divide, in very brief explanation of the reasons which induce me to support the Bill. I think I need scarcely assure the House that I have no predisposition to support exceptional legislation as regards Irish land tenure, or any extension of the principles of the Irish Land Act without full and complete consideration. I believe I can appeal to hon. Members who sat in the last Parliament, whether in or out of the House I have said one word to encourage that agitation, and those proposals

which I believe to be mischievous, which I think injurious to the true interests of the Irish tenantry, and to the Irish landlords. I can assure the House that nothing would induce me to support any proposals of this kind but the strong conviction which is entertained by the Irish Government, by those who are now responsible, as hon. and right hon. Gentlemen opposite are not, for the peace of Ireland, that a measure of this sort is necessary. But I think I can show that this Bill can be justified, not only by the responsible authority of the Government, but by its own provisions and its own internal justice. The right hon. and learned Gentleman who has just sat down rested for a long time, at the beginning of his speech, upon the circumstance that this measure was not brought forward by my right hon. Friend at the opening of the Session, but that it was delayed till the introduction of the Bill of the hon. Member for Mayo. Sir, my right hon. Friend and his Colleagues are not altogether, or solely, responsible for this, for they had not at the commencement of this Session, and could not have, entirely mastered the affairs of the country which they have to govern. Upon very short notice Her Majesty's Government has had to deal with some very difficult questions, and with a state of things of extreme complexity and difficulty in Ireland. A great part of this discussion has very naturally turned upon the Land Act of 1870. I have no intention of going into the discussion of that Act now. The right hon. and learned Gentleman who has just sat down said he would urge nothing against that Act; but that course has not been taken by all who sit on the other side of the Table. What was the speech of the hon. Gentleman who moved the rejection of the measure (Mr. Chaplin)? It was a denunciation of the main principle of the Act of 1870, and many hon. Members who have opposed the Bill have done so on the same ground as they did, or would, have opposed the Act of 1870. The speech of my hon. Friend was nothing but an assertion in most unqualified terms of the rights of landlords to the disposal of the soil, and to the disposal of the interest of all connected with the soil. In the opinion of my hon. Friend, the privilege of occupying land is conferred solely by the landlord, and he admits no right but that of the landlord, while he holds that the right of the tenant to exist on the land

is conferred solely by the landlord; and, therefore, in his opinion, any failure whatever to comply with the conditions upon which that privilege has been granted justly forfeits every claim which the tenant may be supposed to possess. Some Members, like the hon. Member for Stroud (Mr. Brand), and the hon. and gallant Member for West Gloucestershire (Colonel Kingscote), profess themselves favourable to the principles of the Land Act, but oppose this Bill as being a contravention of its principles. I, on the contrary, assert that, so far from being any contravention of the principles of that Act, this measure has been framed simply with the view of preventing the objects of that Act from being defeated. The Land Act is upon its trial; and I have often said on previous occasions that I thought the time had arrived, or would soon arrive, when its results could be ascertained, and that Parliament could form an opinion as to how far its objects had been accomplished. Whatever those results may have been, all I can say is that I believe that the intention of that measure was just and equitable; it being to compel the small minority of Irish landlords to deal out some small measure of that justice to their tenants that the majority of landlords in that country did. Its intention, also, was to give the whole of the Irish tenantry the security—and the sense of security—which the great majority of them already enjoyed, and not only to give it to them practically, but to make them feel that they possessed it. I believe that that object was a just, and equitable, and a worthy object. How far that object has been accomplished, how far it has failed, and how far such failure is due to any defects in that Act, I am not going to say at the present moment. But I may say that I do not think that the measure has had fair play from any party in Ireland. It has been exposed, on the one hand, to attacks from those who object to its objects, and who have sought to evade its provisions; while, on the other hand, it has never conciliated, and it was never intended to conciliate, the extreme advocates of tenant right, or those who have exhorted the Irish tenantry to be satisfied with nothing less than the virtual possession of the soil. I will admit at once that much has occurred lately in Ireland that will not inspire Parliament with any

strong desire to proceed much further in the direction of exceptional legislation, or in departing still more from the strictest principles of political economy. Neither can I anticipate what the results of the inquiry into the working of the Statute may be—whether it may show the necessity of extending or restricting the operation of the Act. The duty of a Government, at the present moment, pending the full consideration of the subject by Parliament, is to prevent, so far as possible, the intention and object of the Act from being defeated by exceptional circumstances which could not possibly be foreseen. It cannot be denied that exceptional circumstances do exist, which have enabled landlords, who have been so disposed, to defeat the main object and purpose of the Act. The principal object of the Act was, as I have already stated, to give security to the tenant, subject, of course, to the payment by him of reasonable rent; but the bad harvests which have prevailed in this country, and still more so in Ireland, have rendered the payment of a reasonable rent in that country an impossibility. Almost all over England the landlords have most willingly submitted to a reduction of rent; but the bad harvests, which in England have produced partial failure of the crops, have in Ireland produced an almost total failure. In some parts of Ireland the impoverished circumstances of the tenant have placed in the hands of the landlord a weapon which the Government never contemplated, and which has enabled the landlord, at a sacrifice of a half or a quarter of a year's rent, to clear his estate of hundreds of tenants, whom, in ordinary circumstances, he would not have been able to remove, except upon payment of a heavy pecuniary fine. I ask whether that is not a weapon calculated to enable landlords absolutely to defeat the main purposes of the Act? Supposing a landlord wished to clear his estate of a number of small tenants, he knows that this is the time to do it; and if he should lose this opportunity, he can never have it again without a great pecuniary sacrifice. Therefore, the exceptional circumstances of the times have placed in the hands of bad landlords in Ireland—and such there are—a power which will enable them absolutely to defeat the purposes of the Land Act of 1870. Well, Sir, that is the main object which the present Bill is intended to meet. The

Bill has, it is true, a further object, subsidiary to that which I have stated. Its further object is to compel a hard landlord, if he be forced to proceed to the extreme measure of eviction for the purpose of recovering rent, to use some of that moderation and patience which the great majority of landlords do extend to tenants under such circumstances; and if extreme measures are resorted to, to force him to mitigate the severity to the tenant by those means which are well known on every estate in Ireland where a small tenantry exists. If it can be shown in Committee that the provisions of the Bill go further than is necessary for securing those objects, I believe my right hon. Friend will be ready to consider any Amendment which may be proposed in that sense. But I believe the provisions of the Bill are adequate, and not more than adequate, for the accomplishment of the objects I have stated. The right hon. and learned Gentleman who last spoke attempted to show at great length that the passing of this Bill will lead to a general refusal to pay rent. I do not think, however, that a careful examination of the provisions of the Bill will lead to any such conclusions. What are the grounds for such an assertion? The landlord is left in possession of every power which he ever possessed, including the power of eviction for non-payment of rent, which was given him by the Acts of 1851 and 1860. My hon. and gallant Friend the Member for West Gloucestershire (Colonel Kingscote) is entirely in error in supposing that the landlord will be deprived of the power of eviction for non-payment of rent. My hon. and gallant Friend seems to suppose that the landlord will have to go to a Court before he can resort to that remedy. In point of fact, the landlord may use his power of eviction against the tenant; but the tenant will subsequently be able to take the landlord into Court. I say, then, that the landlord is left in possession of every power which any Act of Parliament has ever given him. This Act enables the tenant to make a claim. The Bill provides that in order to make the claim, and to get anything under that claim, the tenant must prove his claim to the satisfaction of the Judge. It is not sufficient to make the claim—he is not judge of his own case—but he must prove his case to the satisfaction of the Court or Judge. The more you look at the provisions of the Bill you will see

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that it is for the tenant to bring the landlord into Court; but if the landlord can show that he has been actuated by one particle of moderation and forbearance towards the tenant—such as every good landlord exercises—then the case of the tenant fails. The right hon. and learned Gentleman has stated that he did not believe that the provisions of the Act would sufficiently protect landlords' interests. I am disposed to think that the right hon. and learned Gentleman is in error; but, at all events, I have not the slightest doubt that my right hon. Friend the Chief Secretary will be willing to make that perfectly clear in Committee. We are told that there will be a general refusal to pay rent in consequence of this Bill. What a monstrous supposition that is. Is it to be supposed that the tenantry of Ireland, whose one great desire is, as everybody knows, to remain in possession of their holdings, are going to refuse to pay rent, and run the risk of eviction, on the chance of being able to prove, to the satisfaction of the Judge, a case against their landlords? That supposition appears to me to be monstrous. I put aside the allegations, so freely made to-night, that the Irish tenants are unwilling to pay their rents. I believe the contrary to be the fact; and most of the Irish landlords will bear witness that rents, even without the pressure of penalty or proceedings, are as well paid in ordinarily prosperous times as they are in England or Scotland. But, supposing that the tenants are really as unwilling to pay their rents as they are said to be, I say it is perfectly idle to suppose that they will run the tremendous risk of eviction from the holdings which it is their chief desire to occupy, upon the mere chance of being compensated. We are told also that the County Court Judges, who are to hear these cases, are likely to be prejudiced in favour of the tenants, and that they will not arrive at a just decision in these cases. That is a very serious and unfounded allegation against those who have to administer justice in Ireland. So far as I know, that assertion has not been supported by one particle of proof. Now, who are the County Court Judges, and the Chairmen of Sessions, who are to hear these cases? They are learned gentlemen engaged in the administration of justice in Ireland, who have practised in the high Courts of Law,

and who are acquainted with the principles of justice and the rules of evidence. They are gentlemen who are engaged, to a very great extent, in the administration of the Criminal Law in Ireland. On what does the security of property and order in Ireland rest, if not on the impartiality and ability of the Judges who administer the law? And how can it be supposed that the people of Ireland will respect the administration of the Criminal Law if you come forward in Parliament and tell us that the barristers who have been selected for the administration of the Civil and Criminal Law are men upon whose impartiality you cannot rely, and whose justice and ability you distrust? It is useless to deny, as has been pointed out by my right hon. Friend the Chief Secretary, that in many parts of Ireland the administration of the law of property depends, in a very great degree, upon the employment of force. My right hon. Friend described the number of police, sometimes supported by the military, which it is necessary to employ in aid of those engaged in process serving, or in carrying out evictions in Ireland. When the employment of force is necessary it is impossible for a Government to perfectly divest itself of all discretion. During my official connection with Ireland the Government had to exercise its discretion. I admit that in the face of a dangerous agitation, such as that which has, in my opinion, prevailed for some time past in Ireland, it is necessary for the law to be carried out by the Executive with more than usual firmness. It is desirable, however, that the administration of the Executive Government should be limited as much as possible, and that the discretion of the Executive should be controlled as far as may be by the intervention of the Courts of Law. My right hon. Friend has said that he is prepared to carry the law into execution; but it is impossible for any Government to carry out the law, unless it is satisfied that it is acting in obedience not only to law, but to justice and right; and it is in order that the Executive Government may have that conviction that my right hon. Friend is asking you to pass this Bill. I will not deny what has been asserted so frequently by hon. Gentlemen opposite, that the introduction of the measure has caused in Ire-

land considerable panic and alarm. A great many of the speeches of hon. Gentlemen opposite have dwelt upon this topic, and letters of a most alarming description have been read; but it is difficult indeed to know how much authority ought to be attached to letters of that sort. Still, I will not deny the existence of a very considerable feeling of alarm. The question, however, is not whether the alarm exists, but whether it is reasonable or not. I think we have shown that it is, to a great extent, an exaggerated alarm; and we must remember that the people of Ireland are an excitable people, and that this excitability is not confined to the lower class of the tenants. At all events, those who are spreading this cry of alarm and panic to the utmost of their power are doing all that they can to bring about the fulfilment of their own predictions. If you insist that this Bill is a Bill to suspend payment for rent—which I have endeavoured to show it is far from being—if you insist upon telling the tenants that Parliament and the Government do not desire that they should pay any rent for the next two years—can you be very much surprised if the tenants believe it? It is quite possible that an alarm such as has been described may exist. There are circumstances in which two violent and opposing parties, acting from different motives, neither of them possessing the power to carry into execution their own opinions, nevertheless combine together to produce such a state of things as realize all the worst expectations formed of the policy of the other by either Party. There seems to me to be much apprehension that such a state of things exists at present in Ireland. Both agitators and landlords are combining together to produce a state of distrust, agitation, and want of confidence. I see no remedy for such a state of things unless Parliament will prove to the people of Ireland that it has more confidence than seems to be possessed by the Leaders of either Party in the honesty of the Irish tenantry, in the impartial administration of justice, and in the firmness of the Executive Government.

SIR STAFFORD NORTHCOTE: Sir, I shall not stand many minutes between this House and the division; indeed, after the very powerful and able speech of my right hon. and learned Friend

the Member for the University of Dublin (Mr. Gibson), I should scarcely have thought it necessary to say anything at all if it had not been for some concluding observations of the noble Lord. The noble Lord complains that this Bill, and the Government in respect of the Bill, are in the unhappy position of being misunderstood. He argues very strongly that we, who are misrepresenting the character of the Bill, are, to a great extent, responsible for the alarm which it may occasion. I wish to say that if this Bill and the intentions of the Government really are misunderstood, it is they who have to thank themselves for it. But although I am bound to say that I consider the Bill in itself to be objectionable, what is far more objectionable, in my opinion, is the manner in which it has been brought forward, and the arguments which have been used to support it. For there are two ways in which you may look at it, and two grounds upon which a measure of this kind may be defended. First, on the ground that the Land Act of 1870 requires amendment. If it could have been shown upon a calm investigation, and by evidence which would carry with it a certain amount of weight, that the Act of 1870 was defective, that might have led to the production of a measure of a permanent character, which would have effected an amendment of the Act, which has been in existence during the last ten years. But that has not been the ground taken. It has been put forward very prominently by the Chief Secretary, by the Prime Minister, and now by the noble Lord, that it is necessary to pass a Bill of this sort in heat and haste in order to avoid breaches of the peace. They say that it is necessary for the maintenance of order to avoid what has been called a local civil war, to prevent the break down altogether of the system of law in Ireland that we should give way to an agitation which threatens to be formidable. Now, I venture to say that is about the most dangerous argument that could be pressed upon us. When we are told that this is a small measure, and that it will have no very mischievous consequences, I say that, brought forward as it has been and justified as it has been, it contains the seeds of the very gravest danger. The noble Lord does not suppose that the passing of such a Bill will

lead Irish tenants to repudiate the payment of their rents. But, if it is understood by Irish tenants and agitators that by agitating enough, and resisting the payment of rent, they will induce the Government of the day to come forward and make concessions, nothing is more likely than that they will do so. When the right hon. Gentleman speaks of the Bill as limited in point of time and area, how can he possibly say—"Up to this line the tenant shall be entitled to compensation for disturbance, though ejected for non-payment of rent, and beyond this line he shall not have that privilege?" The right hon. Gentleman, when describing the condition of the Ulster district and the district adjoining, made use of that argument. He pointed out that such a distinction would be most arbitrary, and would not give satisfaction. I say precisely the same as to the distinction which the Bill draws between scheduled and non-scheduled districts. It could not be maintained. And so with regard to the limit of time. There will always be a time when some men will not be in a position, from circumstances over which they have no control, to pay their rent; and they would say, according to the principle embodied in your legislation of 1880—"You ought to give us the advantage of that legislation." These arguments will not bear examination; and if this measure had not been suddenly taken up, following the leading of the hon. Member for Mayo, and in consequence of a fear of agitation in Ireland, we never should have had such arguments presented to us. If this measure is required it ought to have been established on careful and full consideration. For remember with what a delicate subject you are dealing. The noble Lord says, one great object of the Land Act was to establish confidence in the mind of the tenant. Is it not necessary that there should also be confidence in the minds of the landlords? In a country that wants capital, confidence is required to enable capital to be introduced into it. My right hon. Friend the Prime Minister spoke of observations that were made with regard to solicitors advising their clients not to advance money on Irish estates, and he says that has always been the case, except during the last few years. But why does he except the last few years? I will tell him. There has, I believe, been growing up of late a greater amount

of confidence in the value of Irish property. It has been thought that the Land Act of 1870 was valuable as a settlement. But now you are going to disturb that settlement, and the consequence will be that you will shock confidence; and let me add that that shock will be doubly serious if it be announced that the ground on which the Act is not to be maintained is, lest its maintenance should lead to disturbance and confusion in the country. We may hereafter have discussions more in detail, for it is thrown out, after all, that this measure has not been so seriously considered as, in some parts, it ought to have been. But the question before us now is a question of principle, on which the House ought not to shrink from pronouncing its opinion.

MR. W. E. FORSTER: Sir, I entirely agree with the right hon. Gentleman that the House ought not to fear to pronounce an opinion, notwithstanding the alarming representations that have been made—representations which appear to me to be exaggerated beyond anything I have ever heard in this House, and which are calculated to alarm capitalists likely to invest money in Ireland. I have had to do with the lending and the borrowing of money, and I have discovered that when a borrower goes to a lender, the lender is very ready to believe him when he speaks of his own insolvency, but rather doubtful whether he should give him full credit when he speaks of his solvency. When these statements are made that different societies are unwilling to lend money in Ireland, they must be coupled with the exaggerated statements made as to the effects of this Bill. I should be quite content to let the case depend upon the speeches of the Prime Minister and the noble Lord who has been Chief Secretary for Ireland, and who, therefore, knows something by experience of Irish affairs, were it not for the special reference which the right hon. Gentleman made to myself. His opposition to the Bill was of a very different character from that of the late Attorney General for Ireland. He said it was not so much the Bill which he objected to as the arguments in support of it. He put into my mouth an argument I never used, and which I never should use. I never said—and no Member of the Government has said—that we brought forward this Bill because we could not keep the

peace of the country without it. We know it is our duty to keep the peace of the country. We know we must make the law obeyed. We are determined to do our utmost towards attaining that end. As far as my experience has gone I have succeeded in getting process serving conducted with less resistance than previously, because I have sent a large force with the process servers, showing that we are determined that the law shall be obeyed. It is not that we want this amendment of the law in order to make the law obeyed in Ireland; the whole power of this country is behind us in doing that; but it is because we wish to be able to enforce that law, and to use that tremendous power, perhaps, at the cost of life, with, as I said before, a good conscience, and with the knowledge that we have done what we could to make the enforcement equitable and just. It is because we believe that if we did not make this amendment of the law we should have to enforce that which would not be altogether just that we have introduced this Bill. What is the real question on which we are about to divide? It is this—whether we shall so amend the Land Act of 1870 as to prevent its letter being used in defeat of its spirit, and to frustrate its object. That is really the question before us. We find the tenants with an interest in their holdings acknowledged by the law. The tenants cling to their proprietary rights with tenacity. A great calamity has occurred, and by the law, as it stands, landlords might take advantage of that calamity to deprive the tenants of their rights. The great majority of the landlords would scorn to do so, but some might do so; and when the Government bring their forces to support the landlords in their just rights, they should take care that in doing so they were not enforcing the unjust claims of a few exacting landlords. The right hon. and learned Gentleman the late Attorney General for Ireland said that the safeguards in the Bill were worthless, and he named them, stating that they were merely so much set-off against the damage. But the right hon. and learned Gentleman must be aware that there can be no disturbance at all until all these conditions were fulfilled. It is not a question of set-off or diminution of compensation. It is a question whether any compensation whatever should be given. Then as

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to the word reasonable. The right hon. and learned Gentleman said that word was used by the supporters of the anti-rent agitation; but they demand that the tenant should judge what is reasonable, while in this case it would be decided by the County Court Judge. The right hon. and learned Gentleman warned the House that the passing of the Bill would cause ruin to hundreds of landlords. I am perfectly confident, and I am fortified in that confidence by legal Gentlemen of as much knowledge, ability, experience and learning as the right hon. and learned Gentleman opposite, and by many Irish landlords also, that that fear is groundless. Then, again, we are told that the Bill is a mere sop. There are two ways of dealing with an agitation. You may say that the claims of agitators shall not be considered, whether they be just or not, and by so doing you may give them a power which they would not otherwise have. But is that the way in which to deal with the people of a free country having a representative Government? Is not our duty rather to find whether the agitators have any grounds for their complaints, and if they have, to remove such grounds? The noble Lord the Member for Woodstock said that he supposed the Bill had been introduced to oil the machinery of Parliament, and to remove Parliamentary obstructions; and, further, that he had for more than eight weeks been considering the question of distress in Ireland; but does the noble Lord think so badly of those who sit on this Bench as to think that in the present state of difficulty and distress in Ireland we should bring in a Bill of this kind for the mere purpose of removing or preventing obstruction? The Government has a large majority, quite apart from the assistance of the hon. Members for Cork and Mayo; but these Gentlemen who have a right to speak on behalf of the districts and the counties which they represent. It is on account, not of Parliamentary, but of administrative difficulty, that this Bill has been introduced. This Bill is, in fact, an administrative act, temporary in form, and limited in area. We know that we could carry on the government of Ireland without it; but we think it is necessary as an act of justice. A right hon. Gentleman opposite, the other night, said this Bill was the offspring of pity and fear. I do not know that pity

has very much to do with it, and fear would be but a blind guide for legislation, especially for Ireland as she now is. Fear of what? Fear of hon. Gentlemen who sit on those Benches? We have no reason to fear them. But I acknowledge that the Bill is, in one sense, the offspring of fear—the fear that we, the Government of this great country, with all the force of this great country behind us, may be using that force against the miserable small cottier tenants of Ireland when, to some extent, they may have a just and true right to say that they are treated with injustice, and that is a fear which is a terror to me, and which makes me appeal to this House to take care that injustice shall not be done.

Question put.

The House divided:—Ayes 295; Noes 217: Majority 78.

AYES.

Acland, Sir T. D.	Campbell, R. F. F.
Adam, rt. hon. W. P.	Campbell-Bannerman, H.
Agar-Robartes, hn. T. C.	
Ainsworth, D.	Carbutt, E. H.
Allen, H. G.	Carington, hon. R.
Allen, W. S.	Causton, R. K.
Amory, Sir J. H.	Cavendish, Lord F. C.
Anderson, G.	Chamberlain, rt. hn. J.
Armitstead, G.	Chambers, Sir T.
Arnold, A.	Cheetham, J. F.
Ashley, hon. E. M.	Childers, rt. hn. H. C. E.
Balfour, J. S.	Chitty, J. W.
Barclay, J. W.	Clarke, J. C.
Baring, Viscount	Cohen, A.
Barran, J.	Collins, E.
Barry, J.	Colthurst, Col. D. la T.
Bass, A.	Commins, A.
Baxter, rt. hon. W. E.	Corbet, W. J.
Biggar, J. G.	Corbett, J.
Blake, J. A.	Cotes, C. C.
Blennerhassett, R. P.	Courtauld, G.
Bolton, J. C.	Courtney, L. H.
Borlase, W. C.	Cowan, J.
Bradlaugh, C.	Cowper, hon. H. F.
Brassey, H. A.	Craig, W. Y.
Brassey, T.	Creyke, R.
Briggs, W. E.	Cross, J. K.
Bright, J. (Manchester)	Cunliffe, Sir R. A.
Bright, rt. hon. J.	Currie, D.
Broadhurst, H.	Daly, J.
Brooks, M.	Davey, H.
Bruce, rt. hon. Lord C.	Davies, W.
Bruce, hon. R. P.	Dawson, C.
Bryce, J.	Dilke, A. W.
Burt, T.	Dilke, Sir C. W.
Buzard, M. C.	Dillwyn, L. L.
Butt, C. P.	Dodda, J.
Byrne, G. M.	Dodson, rt. hon. J. G.
Caine, W. S.	Duckham, T.
Callan, P.	Duff, rt. hon. M. E. G.
Cameron, C.	Earp, T.
Campbell, Sir G.	Edwards, P.

Egerton, Adm. hon. F.	Leahy, J.
Errington, G.	Leake, R.
Fairbairn, Sir A.	Leamy, E.
Farquharson, Dr. R.	Leatham, E. A.
Fawcett, rt. hon. H.	Leatham, W.
Fay, C. J.	Lee, H.
Findlater, W.	Leeman, J. J.
Finigan, J. L.	Lefevre, G. J. S.
Firth, J. F. B.	Litton, E. F.
Flower, C.	Lloyd, M.
Foley, J. W.	Lubbock, Sir J.
Foljambe, C. G. S.	Lyons, R. D.
Foljambe, F. J. S.	Macdonald, A.
Forster, Sir C.	Macfarlane, D. H.
Forster, rt. hon. W. E.	Mackie, R. B.
Fort, R.	Mackintosh, C. F.
Fry, L.	M'Carthy, J.
Fry, T.	M'Clure, Sir T.
Gabbett, D. F.	M'Coan, J. C.
Gill, H. J.	M'Intyre, Æ. J.
Givan, J.	M'Kenna, Sir J. N.
Gladstone, rt. hn. W. E.	M'Lagan, P.
Gladstone, H. J.	M'Laren, C. B. B.
Gladstone, W. H.	M'Laren, D.
Gordon, Sir A.	M'Minnies, J. G.
Gourley, E. T.	Magniac, C.
Gower, hon. E. F. L.	Maitland, W. F.
Grant, A.	Mappin, F. T.
Grant, D.	Marjoribanks, Sir D.
Grenfell, W. H.	Marjoribanks, E.
Gurdon, R. T.	Marriott, W. T.
Hamilton, J. G. C.	Martin, P.
Harcourt, rt. hon. Sir	Marum, E. M.
W. G. V. V.	Mason, H.
Hartington, Marq. of	Massey, rt. hon. W. N.
Hastings, G. W.	Maxwell, J. H. M.
Havelock-Allan, Sir H.	Metge, R. H.
Hayter, Sir A. D.	Middleton, R. T.
Henderson, F.	Milbank, F. A.
Heneage, E.	Molloy, B. C.
Henry, M.	Moore, A.
Herschell, Sir F.	Morgan, rt. hn. G. O.
Hibbert, J. T.	Morley, A.
Hill, T. R.	Morley, S.
Holland, S.	Mundella, rt. hn. A. J.
Hollond, J. R.	Nelson, I.
Holms, J.	Nicholson, W.
Holms, W.	Noel, E.
Hopwood, C. H.	Nolan, Major J. P.
Howard, E. S.	O'Beirne, Major F.
Howard, J.	O'Brien, Sir P.
Hughes, W. B.	O'Connor, A.
Hutchinson, J. D.	O'Connor, T. P.
Illingworth, A.	O'Conor, D. M.
Inderwick, F. A.	O'Donnell, F. H.
Ingram, W. J.	O'Donoghue, The
Jackson, Sir H. M.	O'Gorman Mahon, Col.
James, C.	The
James, Sir H.	O'Kelly, J.
James, W. H.	O'Shaughnessy, R.
Jenkins, D. J.	O'Shea, W. H.
Johnson, E.	Otway, A. J.
Johnson, W. M.	Paget, T. T.
Joicey, Colonel J.	Palmer, C. M.
Kinnear, J.	Palmer, G.
Labouchere, H.	Palmer, J. H.
Laing, S.	Parker, C. S.
Law, rt. hon. H.	Parnell, C. S.
Lawrence, Sir J. C.	Pease, A.
Lawrence, W.	Pease, J. W.
Lawson, Sir W.	Peddie, J. D.
Laycock, R.	Peel, A. W.
Lea, T.	Pender, J.

Pennington, F.
 Playfair, rt. hon. L.
 Powell, W. R. H.
 Power, J. O'C.
 Power, R.
 Price, Sir R. G.
 Pugh, L. P.
 Pulley, J.
 Ralli, P.
 Ramsay, J.
 Ramsay, Lord
 Redmond, W. A.
 Reed, E. J.
 Reid, R. T.
 Rendel, S.
 Richard, H.
 Roberts, J.
 Rogers, J. E. T.
 Roundell, C. S.
 Russell, C.
 Russell, G. W. E.
 Russell, Lord A.
 Rylands, P.
 Samuelson, B.
 Samuelson, H.
 Seely, C. (Nottingham)
 Sheridan, H. B.
 Shield, H.
 Simon, Serjeant J.
 Slagg, J.
 Smith, E.
 Smithwick, J. F.
 Smyth, P. J.
 Spencer, hon. C. R.
 Stanley, hon. E. L.
 Stansfeld, rt. hon. J.
 Stanton, W. J.

Stewart, J.
 Story-Maskelyne, M. H.
 Stuart, H. V.
 Sullivan, A. M.
 Sullivan, T.
 Summers, W.
 Synan, E. J.
 Taylor, P. A.
 Tennant, C.
 Thomasson, J. P.
 Thompson, T. C.
 Tillett, J. H.
 Tracy, hon. F. S. A.
 Hanbury-
 Trevelyan, G. O.
 Vivian, A. P.
 Vivian, H. H.
 Waterlow, Sir S.
 Webster, Dr. J.
 Wedderburn, Sir D.
 Whalley, Capt. G. H.
 Whitbread, S.
 Whitwell, J.
 Whitworth, B.
 Wiggin, H.
 Williams, S. C. E.
 Williamson, S.
 Willis, W.
 Wills, W. H.
 Wilson, I.
 Wodehouse, E. R.
 Woolf, S.

TELLERS.

Grosvenor, Lord R.
 Kensington, Lord

NOES.

Alexander, Colonel C.
 Amherst, W. A. T.
 Archdale, W. H.
 Ashmead-Bartlett, E.
 Aylmer, Capt. J. E. F.
 Bailey, Sir J. R.
 Balfour, A. J.
 Baring, T. C.
 Barttelot, Sir W. B.
 Bateson, Sir T.
 Beach, rt. hon. Sir M. H.
 Beach, W. W. B.
 Bective, Earl of
 Bentinck, rt. hn. G. C.
 Bentinck, G. W. P.
 Beresford, G. De la P.
 Birkbeck, E.
 Blackburne, Col. J. I.
 Boord, T. W.
 Bourke, rt. hon. R.
 Brise, Colonel R.
 Broadley, W. H. H.
 Brodrick, hon. W. St.
 J. F.
 Brooks, W. C.
 Bruce, Sir H. H.
 Brymer, W. E.
 Burghley, Lord
 Burnaby, Gen. E. S.
 Buxton, Sir R. J.
 Cameron, D.
 Campbell, J. A.
 Carden, Sir R. W.
 Cartwright, W. C.
 Castlereagh, Viscount
 Cecil, Lord E. H. B. G.
 Chaplin, H.
 Christie, W. L.
 Churchill, Lord R.
 Clive, Col. hon. G. W.
 Coddington, W.
 Cole, Viscount
 Coope, O. E.
 Corry, J. P.
 Crompton-Roberts, C.
 Cross, rt. hn. Sir R. A.
 Cubitt, right hon. G.
 Davenport, H. T.
 Dawnay, Col. hn. L. P.
 De Worms, Baron H.
 Dickson, Major A. G.
 Digby, Col. hon. E.
 Douglas, A. Akers-
 Dundas, hon. J. C.
 Dyke, rt. hn. Sir W. H.
 Egerton, Sir P. G.
 Egerton, hon. W.
 Elcho, Lord
 Elliot, G. W.
 Estcourt, G. S.
 Ewart, W.
 Ewing, A. O.
 Feilden, Major-General
 R. J.
 Fellowes, W. H.
 Fenwick-Bisset, M.

Filmer, Sir E.
 Finch, G. H.
 Fitzpatrick, hn. B. E. B.
 Fitzwilliam, hn. C. W.
 Fitzwilliam, hn. H. W.
 Fitzwilliam, hn. W. J.
 Fletcher, Sir H.
 Floyer, J.
 Folkestone, Viscount
 Forester, C. T. W.
 Foster, W. H.
 Fowler, R. N.
 Fremantle, hon. T. F.
 Galway, Viscount
 Garfit, T.
 Gardner, R. Richard-
 son-
 Garnier, J. C.
 Gibson, rt. hon. E.
 Giffard, Sir H. S.
 Goldney, Sir G.
 Gooch, Sir D.
 Gore-Langton, W. S.
 Greer, T.
 Gregory, G. B.
 Grey, A. H. G.
 Guest, M. J.
 Hall, A. W.
 Halsey, T. F.
 Hamilton, I. T.
 Hamilton, right hon.
 Lord G.
 Harcourt, E. W.
 Harvey, Sir R. B.
 Helmsley, Viscount
 Herbert, hon. S.
 Hicks, E.
 Hildyard, T. B. T.
 Hill, Lord A. W.
 Hinchbrook, Visc.
 Holland, Sir H. T.
 Hope, rt. hn. A. J. B. B.
 Jackson, W. L.
 Johnstone, Sir F.
 Johnstone, Sir H.
 Kennard, Col. E. H.
 Kennaway, Sir J. H.
 Kingscote, Col. R. N. F.
 Knightley, Sir R.
 Knowles, T.
 Lambton, hon. F. W.
 Lawley, hon. B.
 Lawrance, J. C.
 Lawrence, Sir T.
 Lee, Major V.
 Legh, W. J.
 Leigh, R.
 Leighton, Sir B.
 Leighton, S.
 Lennox, Lord H. G.
 Lewis, C. E.
 Lewisham, Viscount
 Lindsay, Col. R. L.
 Loder, R.
 Long, W. H.
 Lowther, hon. W.
 Lymington, Viscount
 Macartney, J. W. E.
 Macnaghten, E.
 M'Garel-Hogg, Sir J.
 Makins, Colonel
 Manners, rt. hon. Lord J.
 March, Earl of

Master, T. W. C.
 Maxwell, Sir H. E.
 Miles, Sir P. J. W.
 Mills, Sir C. H.
 Moreton, Lord
 Morgan, hon. F.
 Moss, R.
 Mowbray, rt. hon. Sir
 J. R.
 Mulholland, J.
 Murray, C. J.
 Newport, Viscount
 Nicholson, W. N.
 Noel, rt. hon. G. J.
 Northcote, H. S.
 Northcote, rt. hn. Sir S.
 Norwood, C. M.
 Onslow, D.
 Paget, R. H.
 Palliser, Sir W.
 Patrick, R. W. C.
 Peek, Sir H.
 Pell, A.
 Pemberton, E. L.
 Percy, Earl
 Phipps, C. N. P.
 Plunket, rt. hon. D. R.
 Portman, hn. W. H. B.
 Price, Captain G. E.
 Puleston, J. H.
 Ramsden, Sir J.
 Rankin, J.
 Rendlesham, Lord
 Repton, G. W.
 Ridley, Sir M. W.
 Ritchie, C. T.
 Rodwell, B. B. H.
 Rolla, J. A.
 Ross, A. H.
 Rothschild, Sir N. M. de
 Round, J.
 Russell, Sir C.
 St. Aubyn, W. M.
 Sandon, Viscount
 Schreiber, C.
 Selater-Booth, rt. hn. G.
 Scott, Lord H.
 Scott, M. D.
 Seely, C. (Lincoln)
 Selwin-Ibbetson, Sir
 H. J.
 Severne, J. E.
 Sinclair, Sir J. G. T.
 Smith, A.
 Smith, rt. hon. W. H.
 Stanhope, hon. E.
 Stewart, M. J.
 Storer, G.
 Sykes, C.
 Talbot, C. R. M.
 Talbot, J. G.
 Taylor, rt. hn. Col. T. E.
 Thomason, H.
 Thornhill, T.
 Thynne, Lord H. F.
 Tollemache, hon. W. F.
 Tottenham, A. L.
 Wallace, Sir R.
 Walpole, rt. hon. S.
 Walrond, Col. W. H.
 Warburton, P. E.
 Warton, C. N.
 Watney, J.

Welby-Gregory, Sir W. Wyndham, hon. P.
 Whitley, E. Wynn, Sir W. W.
 Williams, O. L. C. Yorke, J. R.
 Wiliyams, E. W. B.
 Wilmot, Sir H. TELLERS.
 Wolff, Sir H. D. Crichton, Viscount
 Wortley, C. B. Stuart- Winn, R.
 Wroughton, P.

Main Question put, and *agreed to*.

Bill read a second time, and *committed*
 for *Thursday*.

REVENUE OFFICES (SCOTLAND) HOLIDAYS BILL.

On Motion of Mr. JAMES STEWART, Bill to
 make provision for Holidays in the Customs and
 Inland Revenue Offices in Scotland, *ordered to*
be brought in by Mr. JAMES STEWART, Dr.
CAMERON, and Mr. RICHARD CAMPBELL.

Bill *presented*, and read the first time. [Bill 254.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, 6th July, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—
 Local Government Provisional Orders (East-
 bourne, &c.) * (121).

Second Reading—Union Assessment Committee
 (Single Parishes) (104); Representation of
 the People (Scotland) Act (1868) Amendment
 (103); Local Government Provisional Orders
 (Abergavenny, &c.) * (108); Local Govern-
 ment Provisional Orders (Alnwick Union,
 &c.) * (109); Local Government Provisional
 Orders (Amersham Union, &c.) * (110); County
 Bridges * (113); Isle of Man (Loans) * (107).

Committee—Report—Judicial Factors (Scotland) *
 (98); Local Government Provisional Orders
 (Poor Law) * (102).

Third Reading—General Police and Improve-
 ment (Scotland) Provisional Order (Broughty
 Ferry) * (99), and *passed*.

PRIVATE BUSINESS.

FURNESS RAILWAY CERTIFICATE, 1880.

RESOLUTION.

THE MARQUESS OF HUNTLY, in rising
 to move—

"That the draft certificate of the Board of
 Trade (laid before the House on the 25th of May
 last) ought not to be made,"

said, that the question had reference
 to the making of a railway into the
 town of Whitehaven, and ought not to be
 disposed of by a Certificate of the Board

of Trade, but should be referred to a
 Select Committee. The Whitehaven
 Trustees could then be heard on the
 engineering features of the proposed
 line, to which they had objections.

Moved to resolve, That the certificate of the
 Board of Trade, authorising the Furness Rail-
 way Company to construct a railway in the
 township of Preston Quarter and parish of St.
 Bees in the county of Cumberland (a draft of
 which was laid before the House on the 25th of
 May last), ought not to be made.—(*The Mar-*
quess of Huntly.)

LORD SUDELEY said, the Resolution
 moved by the noble Marquess to set
 aside the Certificate of the Board of
 Trade, after it had lain on the Table for
 the whole period of six weeks, was one
 of a most unusual character, and cer-
 tainly ought not to be carried, unless
 there were very strong reasons indeed
 to justify such a course. He ventured
 to think that there the noble Marquess
 had failed to show any substantial
 ground, and hoped to be able to show
 that the Petition had been presented
 under a misconception of the real facts
 of the case. The certificate complained
 of was made by the Board of Trade
 under the Railways Construction Facili-
 ties Act, 1844, to authorize the Furness
 Railway Company to construct a short
 line of railway near Whitehaven. By
 that Act the draft must lie upon the
 Table of both Houses for six weeks
 before the Board of Trade could grant
 the Certificate. The draft was so laid
 on the Table on the 25th May, so that
 the Resolution before the House was
 being brought forward on the very last
 day, which of itself was a most unusual
 course. In the Petition there were
 three allegations—First, that the Peti-
 tioners, being proprietors of railways,
 the Board of Trade should have granted
 a Provisional Certificate instead of a Draft
 Certificate, the difference being that a
 Provisional Certificate had to be confirmed
 by an Act of Parliament; whereas a
 Draft Certificate, after being six weeks
 before the House, had the force of law.
 The Petitioners were, however, quite
 mistaken in their first allegation, as
 although under the Act of 1870 the
 Board of Trade grant a Provisional Cer-
 tificate when a Railway Company oppose
 the scheme, in the present instance the
 Petitioners were not Railway Companies
 within the meaning of the Act; so that
 the Board of Trade had no option, and

could not, therefore, grant a Provisional Certificate. The second allegation, that no proper investigation had been made into the merits of the scheme, seemed to be the one that the noble Marquess principally relied upon. The facts were, however, quite the reverse. Not only had Colonel Yolland, the Inspector, held a careful inquiry into the matter on the spot, but the authorities of the Board of Trade had also themselves thoroughly investigated into the merits of the case, so much so, that several alterations had been made to meet the views of the Petitioners, and the proposed railway was made to go under the road instead of over it. Then came the third allegation, which was that, the plan having been altered, the consent of the Petitioners, as landowners, ought to have been obtained. The answer to this was very simple. In the first place, the alteration had been made to meet the views of the Petitioners themselves; and, secondly, the Petitioners were not landowners within the meaning of the Act, but simply authorities having control over the road affected. These reasons seemed to him sufficient to warrant their Lordships declining to agree to the Resolution. But there was another fact which he could not help referring to—namely, that only a few hours previously a similar Motion had been made in “another place,” and had been at once withdrawn, when the true state of the case had been stated. On the very last day that the Certificate had to be on their Lordships’ Table, he thought the Resolution almost without precedent. As he knew the noble Marquess only moved the Resolution on public grounds, he hoped he had stated sufficient to induce him to withdraw his opposition.

On Question? *Resolved in the Negative.*

UNION ASSESSMENT COMMITTEE
(SINGLE PARISHES) BILL.

(*The Lord Strafford.*)

(No. 104.) SECOND READING.

Order of the Day for the Second Reading, read.

VISCOUNT ENFIELD, in moving that the Bill be now read a second time, said, the Bill was a very short one, and had encountered no opposition in its passage through the House of Commons. Its object was to enable the Local Government Board, upon application from the

Lord Sudeley

Guardians of what were called “single parishes,” to apply to them the provisions of the Union Assessment Committee Act (passed in 1862) in the same way as they applied it to Unions under Local Acts and to Gilbert’s Incorporations. The Act of 1862 was a great improvement upon the Parochial Assessment Act of 1836, as, instead of allowing the overseers, very often ignorant and illiterate men, to make the rates, these duties were transferred to the Guardians, who appointed a competent body, called an assessment committee, to carry out that necessary work. This change had worked well; but unfortunately single parishes, not in union, had not been able to avail themselves of its provisions, and this Bill, which was not, however, compulsory, but optional, would permit them to be brought, with the assent of the Local Government Board, under the provisions of the Act of 1862. The following was a list of parishes under separate Boards of Guardians; and he thought it would be admitted that in these cases it would be better that the assessment of property for the purposes of rates should be in the hands of an assessment committee rather than in the hands of overseers. Many of these localities were large and important places—namely, Whittlesea, Alston, East Stonehouse, Stoke Damerel, Barrow-in-Furness, Liverpool, Manchester, Toxteth Park, Great Yarmouth, Alverstoke, Stoke-upon-Trent, Brighton, Birmingham, and Saddleworth. Many of those localities had expressed themselves as favourable to the principle of this measure; and it was for that reason that, on behalf of the Local Government Board, he now moved the second reading of the Bill.

Moved, “That the Bill be now read 2^a.”
—(*The Viscount Enfield.*)

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Thursday* next.

REPRESENTATION OF THE PEOPLE
(SCOTLAND) ACT (1868) AMENDMENT
BILL.—(No. 103.)

(*The Earl of Airlie.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL of AIRLIE, in moving that the Bill be now read a second time,

said that it affected only the people of Scotland, and its object was to extend to persons entitled to vote in counties those rights which had long been enjoyed by voters of burghs in cases where they happened to have left their houses furnished for a portion of the year. At present the occupiers of houses in counties who let their houses furnished for any portion of the year were not able to vote; and there appeared to have been great complaints upon the subject, and public attention had been aroused in consequence of the numerous disqualifications of voters that had taken place recently. It was therefore proposed that in future every man should be entitled to be registered, and to vote under the 6th section of the Representation of the People (Scotland) Act, notwithstanding that during a part of the qualifying period not exceeding four months he may have let his premises as a furnished house to some other person.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Airlie*.)

Motion agreed to; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

ENDOWED SCHOOLS ACT — THE KIRKHAM GRAMMAR SCHOOL.

OBSERVATIONS.

LORD WINMARLEIGH, in calling attention to the scheme for the future regulation of the Grammar School at Kirkham, said, that certain Petitioners who had petitioned their Lordships' House objected to the scheme on the ground that it did not observe the section applicable to such cases, and which provided that, on the framing of schemes for endowed schools, regard was to be had to the interests of all parties concerned. There were about 100 boys in the Kirkham Grammar School. The object of the founders was free education; and of those 100 boys 80 hitherto received their education under the foundation free of charge. By the new regulation a charge of not less than £4 and not more than £8 a-year would be made from last month for each boy. The change was very sudden, and it would press hardly on the poorer parents in the parish. No doubt, it would be said, the imposition of the charge was in accordance with what was being done throughout the country generally in

respect of such schools; but he thought that more regard should be had to the intention of the founder than had been shown in this case. It could scarcely be said that the Charity Commissioners could not find funds for free education in the school. The foundation amounted in value to between £900 and £1,000. The salaries paid to masters were—to the head master, £250; to the second, £170; to the third, £120; and to the assistant to the head master, £120. Besides these sums, £15 a-year was paid to the French master, who had fees also. At a time when the Universities were being reformed, and efforts being made to improve the education of the country, it was very inadvisable to largely curtail the privileges offered by the free grammar schools. What the Petitioners asked for in this case had been done in the case of the Rugby Grammar School; and he hoped their representations would receive the favourable consideration of the Education Department.

THE DUKE OF RICHMOND AND GORDON said, that, as the scheme for the Kirkham Grammar School was drawn up when he was at the head of the Education Department, he could say that those who drew it up had endeavoured to consider the interests of all parties. As to what had been done at Rugby, he might observe that he did not think it was done under the same Endowed Schools Act as that under which the Kirkham scheme was framed. Both political Parties, when in power at the Education Department, had acted on the principle that the education in the endowed grammar schools ought not to be free. A sum of £4 a-year was only about 18*d.* a-week, for which a boy got a good commercial education. Those who could not afford to pay such a sum ought not to go to a grammar school, but to a primary school. At Kirkham School £260 a-year was to be given for out scholarships, and two sums of £100 each for scholarships in the school itself. What his noble Friend wanted to have done would not be effected in the way he seemed to think. The scheme, or any paragraph in it, might be rejected; but that would not give free education, and words could not be added to the scheme.

EARL SPENCER concurred in what had been stated by his noble Friend the late Lord President of the Council. He might add that children who had been

for three years in a primary school at Kirkham might obtain one of the scholarships at the grammar school, and in that way obtain a free education. He could not hold out any hope that the scheme would be changed; it would be impossible to amend the scheme without wholly altering its character. He saw no objection, however, to let the matter go before the Charity Commissioners; and, if they thought fit, they might alter the scheme as they had power to do. He had not been able to hold any communication with the Commissioners upon the subject; but if his noble Friend would do so, he might possibly be able to obtain an extension of the time in regard to the commencement of the scheme.

ELEMENTARY EDUCATION—THE NEW CODE, 1880—THE FOURTH SCHEDULE.

OBSERVATIONS. QUESTION.

LORD NORTON, on rising to ask the Lord President of the Council, Whether almost all of the Inspectors of the Education Department had not in their last Reports deprecated the grants to Elementary Schools for results in examination on specific subjects in the Fourth Schedule, as leading to bad secondary instruction and to the neglect of the primary, and as checking a better provision of secondary education to which scholarships might be given to clever children of the working classes; and whether the Reports of the present year, not yet published, did not express the same view even more strongly; and whether he will lay on the Table an extract from each Inspector's Report of any remarks on the specific subjects? said, he only wished to add that he thought it should be made public that the Inspectors of the Education Department took the view which their Lordships by a large majority took about a week ago, when he moved an Address upon the subject. He submitted that the opinion of the Inspectors was of much greater weight than that of the school boards upon this subject, who were notoriously wishing to keep children at their schools to the age of 18—that was, to have the secondary education of the country, however taught, in their hands, even though such teaching might stand in the way of better education, both primary and secondary. The opinion of the Inspectors was also of more importance than that of school managers, who

were afraid to lose the 4s. grants attached to examinations in the Fourth Schedule; though he would make up that loss by another grant, beyond that for reading, for understanding what was read. The Address for excluding attempts at studying sciences and foreign languages from elementary instruction was taken by some for a retrograde step in education, instead of what it really was, an emancipation from mischievous confusion of education. The distinction of secondary and special from primary and general education was recognized everywhere but in our Code. In Scotland both were carried on in the same school—but kept distinct as to age, subject, and rate of payment—not interfering the one with the other. The distinction was recognized in the schools of all European countries; and, though Mr. Mundella had stated in the other House that elementary education was carried higher in other countries than in this, he could refer to the evidence given before the Endowed Schools Commissioners in 1868 to prove the reverse of that statement. The elementary course did not in any country include as much as our class subjects, nor have anything like our Fourth Schedule of scientific study in it. In the extracts from Inspectors' Reports, which he had circulated, the Fourth Schedule was shown to be not only mischievously in the way of primary education, but worthless as secondary. Such instruction was described as dry and technical, and such as might be expected from teachers who had got it up from meagre text-books. He had just seen the Report of a London Board School, Bermondsey, in which it was said that far too much was sacrificed to these specific subjects, which showed only a moderate result. The National Society and the School Managers' Association had petitioned that day, strongly taking the view of the late Address; and he had no doubt that more and more such Petitions would come in as the point became understood. As he understood the Lord President to say that though he would not promise to expunge this Fourth Schedule and make way for better secondary education, which would then be abundantly opened to all classes, this year, yet he left himself free to deal with the entire Code next year, he was content to wait till the strong opinions of his Inspectors, and the support which would

come from all sides throughout the country, should confirm him in the conclusion at which he could not but think he had already arrived. The noble Lord concluded by asking the Question of which he had given Notice.

EARL SPENCER said, he had undertaken to inquire into the whole of this subject before the next Session of Parliament; and while he did not deprecate any expression of opinion on it that evening, he was exceedingly glad to hear the noble Lord state that it was not his intention to again bring it forward this Session. While wishing to guard himself against being led into a debate on the present occasion, he wished, in consequence of something said by the noble Lord, to say that he had the highest respect for the views of the experienced and distinguished gentlemen who acted as Her Majesty's Inspectors of Schools. He thought their opinions on this subject were of great weight; but he still maintained that the opinions of the school boards on it were also entitled to high consideration. He was glad to see that the noble Lord had revised his Question by inserting before "all of the Inspectors" the important word "almost." There were some 126 Inspectors; but only about 27 of them reported each year. It was quite true that many of the Inspectors complained of the manner in which children answered questions on primary education; but that was a very different thing from recommending that the Fourth Schedule be expunged. Some Inspectors advocated certain special subjects, others advocated others; it was, therefore, unfair to say that, as a body, they wished to have special subjects wholly done away with. The synopsis of the opinions of School Inspectors, which the noble Lord opposite had referred to, was so inaccurate that he could not refrain from correcting it in one or two particulars. Inspector Arnold was represented as desiring the exclusion from Schedule IV. of, among other subjects, Latin and French. Now, as to these, what did Mr. Arnold say?—

"Everyone is agreed as to the exceptional position of Latin among the languages for our study. Our schoolboy of 13 will do little with his rudiments of Latin unless he carries on his education beyond the scope of our elementary schools and their programmes. But if he does carry it beyond that scope, Latin is almost a necessity for him. By allowing Latin

as a special subject for a certain number of scholars in our elementary schools we are but recognizing that necessity."

Mr. Arnold continued:—

"French, too, has a special claim. To know the rudiments of French has a commercial value. . . . Here is a reason for admitting French to our list of extra subjects."

Mr. Fitch's views, again, were not accurately represented, owing to the omission of a qualifying passage. Mr. Fitch said:—

"The claims of science, English literature, physical geography, domestic economy, and the other specific subjects, appear to me to be much higher than Latin, French, or German. For every one of these can be carried to a point, even before the age of 13, far enough to possess real value, and what is still more important, every one of them is so connected with the rest of the course that it can be begun and taught in a rudimentary way even in the lowest classes."

He was sorry to detain their Lordships; but he felt bound to point out the inaccuracies which he had mentioned, and which did not stand alone. It seemed to him that to quote isolated passages from Reports without the qualification of the context was scarcely fair. As to the Fourth Schedule, no doubt a considerable difference of opinion existed. In reference to the last part of the Question, the Reports this year certainly continued to be more unfavourable to these subjects; but they all pointed to one thing—that children should be placed in a higher standard before they were allowed to take these special subjects. This was a matter which he had said before he would take into account and consider, and he would most carefully go into the subject during the Recess; and it would be a matter of great gratification to him if he could arrive at a solution of the difficulty which would meet with the general concurrence of their Lordships.

EARL NELSON wished to take that opportunity of correcting an erroneous impression which appeared to exist out-of-doors, that those noble Lords who voted in favour of the Address to the Crown, the other night, were desirous of stopping the education of the children of the people. He, for one, had always been most anxious that the scholars of elementary schools should have an opportunity of rising to secondary education, and that view was not in-

consistent with disapproval of the Fourth Schedule. A few days ago he had the honour to preside at a meeting of the Council of the General Association of Church School Managers and Teachers; and while the meeting was desirous of promoting the education of the children of the elementary schools, it was unanimously of opinion, and had drawn up a Petition to that effect, that at present the interests of those children were really injured by the Fourth Schedule. What they desired to see was facilities afforded to the children of elementary schools for continuing their education in secondary schools.

THE DUKE OF ARGYLL: My Lords, I am glad the noble Earl opposite (Earl Nelson) has made the explanation he has now given, because it is undoubtedly true that a general impression prevails out-of-doors that the vote of this House the other night was a "re-actionary" vote—a vote in contradistinction to and calculated to arrest the progress of education. I am convinced that the majority of those Peers who voted on that occasion have no wish to lower the standard of education. The fault was their own, both from their speeches and their votes; and I am, I confess, very much puzzled to understand how the noble Duke could have concurred in a vote, not for the Amendment of the Fourth Schedule, not for the preservation of those modifications of it which he himself initiated, and for which there is much to be said—I am puzzled to make out how he could have voted in favour of striking out the whole of the Fourth Schedule altogether. The allusion of the noble Earl (Earl Nelson) has also convinced me that the views I hold on the subject have been misunderstood, and I am confirmed in that by the fact that the noble Earl on the Bench below me (Earl Fortescue), who voted on that side the other night, has sent me a pamphlet on the subject, with almost every word of which I find I concur. There were two distinct propositions in that pamphlet, and one is that the middle-class and secondary education shall not be paid for out of the rates. In that opinion I entirely concur. I hold it as strongly as any noble Lord on the other side of the House that we should, as far as possible, not provide for secondary or what is called middle-class education out of the rates, which

are intended for primary education; but then, my Lords, there was a second proposition which was entirely distinct, and that was that in primary schools you should not teach any elements except the elements of reading, writing, and arithmetic, a wholly separate proposition, and from that I wholly dissent. I hold that there are many subjects of which you can teach the elements in primary schools. That is a totally different proposition from the others to which I have referred. Perhaps the noble Lord opposite will say, how do you distinguish between secondary or middle-class education and primary education? There are but two ways of distinguishing between these two subjects, and they are by definition as to age, and also by limitation of expense. The attempt to separate the two kinds of education by exclusion of particular subjects is to my mind wholly futile and erroneous, because there is no subject of which you cannot reach the elements, and any distinction breaks down entirely if you follow the principle laid down by the noble Duke (the Duke of Richmond and Gordon), because I believe he is the author of the paragraph in the Education Code which introduces class subjects. The definition of class subjects is this—subjects that can be taught by means of reading lessons. Now, what can be taught by means of reading lessons, or what is there that cannot be taught by means of reading? Hardly any. To refer to what I have already said on the subject of education in Scotland—and I can say this, that in the course of reading lessons given in that country all sorts of subjects are taught to the children with great success—I shall never forget, about 20 years ago, going into a little school in one of the Western Highlands of Scotland. It was a school which externally would have raised the horror of the noble Earl the Lord President of the Council. It would not have suited any of the rules laid down by him. It was what was called a dry stone building, with a thatched roof and a mud floor. On going into the school I found in it a number of children, extremely poor, reading a lesson with extraordinary intelligence of expression. One of the first subjects given to the children to read me was a description of how metallic ores were treated before the smelt-

Earl Nelson

ing process. The noble Lord opposite will say, "How extremely absurd to teach metallurgy to poor children in a small school of that kind." Well, my Lords, there was a little boy not more than 10 years old who read an extract describing how lead ore was treated. The description said that it was pounded and subjected to a current of running water in order to free it from extraneous matters. My Lords, I thought it was impossible that a poor child who was hardly clothed could have understood the meaning of such a word as "extraneous." I thought it was a mere "cram," and that he would be unable to answer any other question about this elaborate metallurgical process; and, wishing to test him, I asked him—"Now my boy, what is the meaning of 'extraneous?'" He looked at me in the greatest surprise and astonished that I did not know, and at once answered the question by saying—"Not belonging to it." Now, my Lords, I will put that question—"What is the meaning of the word 'extraneous?'" to many highly cultivated persons, and nine out of 10, however highly cultivated they may be, will fail to give me as clear and complete an answer as that little child. It shows what can be elicited from children when extracts from various subjects, however scientific, are intelligently taught; and I came to the conclusion, looking at the intelligence manifested by the children in their reading lessons, that a great deal of the intelligence was derived from the fact that they are bi-lingual, the language used at the schools being English, and that used at their homes being Gaelic, and that the attempt to translate their ideas from one to the other was in itself a process which brought out the highest intellectual powers. My Lords, I cannot help thinking that it is a great advantage to teach in primary schools the elements of French and Latin. In Scotland they teach all the children the elements of Latin and of French on payment of a small fee; and if it were possible to teach the children in the primary schools in this country the elements of French and Latin, and so compel them to translate their ideas from one language to another, I am convinced that you will introduce into the schools a most powerful element for bringing out the intelligence of the children. I am confirmed in this

view by some observations of the Welsh Inspectors; and I may say here at once, on seeing the Notice of the noble Lord opposite, I referred to the Reports in your Lordships' Library, and on going through them I at once ascertained the extreme inaccuracy of the extracts quoted by the noble Lord (Lord Norton). I do not doubt but that he was perfectly honest in his intention; but he read these Reports with one idea in his mind, and, like every other man who reads through long documents with a fixed intention, he saw nothing but that which supported his own view. In his remarks he has quoted a passage from Mr. Arnold's Report; but Mr. Arnold distinctly says that he is in favour of introducing the elements both of Latin and French into elementary schools. Now, my Lords, going to another part of the country, where the children are also bi-lingual, I find there is great inducement offered in the new Code for the efficient teaching of extra subjects, thus giving great impetus to the work of education now attempted in all the schools of Wales, and which have been productive of the greatest improvement and in increasing the intelligence of the children in ordinary subjects. I have mentioned to your Lordships a case of the intelligence of children in Scotland, who by reading most of them could understand the science of metallurgy; but I venture to say you might have got extracts from a great many scientific writers of former times which would be equally intelligible to the ordinary children in the schools of the country. I was only reading the other day a subject which I certainly thought it would be impossible for children to understand in the elementary schools. I refer to the "Optics" of Sir Isaac Newton, and I found there a passage explaining the cause of the decay of human sight, and why it was that spectacles were useful to aged persons, described, as your Lordships can imagine, in magnificent English, and after reading it, I was perfectly convinced that you might even, by judicious extracts from the writings of our great writers, teach in our elementary schools the elements of most of the sciences. If the noble Earl can explain away the impression produced out-of-doors by the recent vote of the House, I think it will be a great advantage. The Lord President of the Council

has promised that he will consider the subject in the Recess, and, no doubt, he will do so in the sincere desire to meet the views of the great majority of the House; but your Lordships must feel it is impossible for Her Majesty's Government, in consequence of a vote of either House of Parliament, to expunge from the Code a great variety of the teaching which for nine or ten years has been enjoyed by the working classes of the country. I do not think that the demands made by the working classes will be met by a few exhibitions being established here and there. I am convinced that your Lordships do not wish to lower the standard of education, but will be willing to leave with elementary teaching a great variety of subjects, in order that the parents of the scholars may select for themselves what subjects they would like their children to be examined upon.

THE DUKE OF RICHMOND AND GORDON said, he should not have taken part in the discussion but for the remarks which had been made by the noble Duke (the Duke of Argyll). The Lord President of the Council had promised that he would, during the Recess, take the subject into his consideration, with a view of meeting the views of the great majority of their Lordships. He sincerely hoped, however, that in doing so he would not call into his council the advice of the noble Duke.

EARL SPENCER, interposing, said, he could not promise to carry out the views of the majority of the House; but simply that he would take care that the views of their Lordships were not left out of account.

THE DUKE OF RICHMOND AND GORDON said, anyhow he hoped the advice of the noble Duke would not be called in, inasmuch as the noble Duke entirely differed from the views which a few nights before found favour with the great majority of the House. In the Act of 1872 a line was drawn which was omitted from the Act of 1870, and which rendered necessary the limitations of the Fourth Schedule which Her Majesty's present Advisers proposed should be struck out. He (the Duke of Richmond and Gordon) had been charged with wishing to expunge the Fourth Schedule from the Code. Why did he wish to do so? Because the Government had struck out the safeguard, without which

the provisions could not be properly worked. The limitation of age was, for instance, struck out. That, he thought, ought not to have been done. The noble Duke some years ago was in favour of limits—

THE DUKE OF ARGYLL: So I am now.

THE DUKE OF RICHMOND AND GORDON: But those limitations which were in the Code had been struck out by the Government. These were the reasons which induced him to vote as he did the other night; and if the matter were brought forward again he should give a similar vote, as he had not been convinced that he was wrong in the course which he took on that occasion. He would like to know from the noble Earl opposite (Earl Granville), who was in some part responsible for the Education Act, whether it was right to extend this education all over the country without those safeguards which he (the Duke of Richmond and Gordon) so much wished to obtain, because some years ago the noble Earl supported the revised Code, which only allowed the "three R's" to be taught.

THE DUKE OF SOMERSET expressed approval of the speech of the noble Earl the Lord President of the Council, and said that he should be quite satisfied if village boys could be taught to read and to understand what they read.

EARL GRANVILLE said, he wished to clear himself of the charge of inconsistency which had been levelled against him. He had been asked whether he was not partly responsible for the revised Code of the "three R's." Well, it should be remembered that it was provided in connection with that Code that there should be a reduction in the grants to a school if the general teaching of the school was not of an intelligent character. Since the time when this provision was made a larger number of subjects had certainly been introduced into elementary schools, for which state of things no one was more responsible than the noble Duke opposite (the Duke of Richmond and Gordon); and when the noble Duke talked of want of consistency he could say that he (Earl Granville) had been more consistent than he had himself, because, when the subject was first introduced by the noble Lord (Lord Norton), he had treated the arguments of the noble Duke (the Duke of Argyll)

in the most contemptuous manner, and then, on the last occasion, suddenly turned round, and instead of proposing to amend the Schedule by the introduction of safeguards, voted *en bloc* against it.

VISCOUNT SHERBROOKE pointed out that it was one thing not to interfere with the subjects taught in a school, but another to give payment for those subjects. Some subjects which were read about in schools formed an excellent adjunct to a child's education; but when they were paid for the teachers were really being bribed to neglect their primary duty—namely, that of teaching the children intrusted to their care how to read. Whatever inducements might be offered by the State in its desire to extend the advantages of education, care should be taken not to encourage the teacher to avoid the dull and tedious, but most important, task of teaching his scholars to read well. Besides, the moment they directed the attention of teachers to these special subjects by making grants towards them they would find that the bright children would be pushed to pass the examinations to the disadvantage of the general education of the school. They would give a smattering of the higher subjects that would tend to raise the children in their own conceit, but would leave them absolutely without a knowledge of the rudiments of education. He repeated what he said the other evening, that it was impossible to find children in our elementary schools who could read well. It was of infinitely more importance that a boy should read well than he should be able to show off the little he had learnt in one of these subjects.

LORD WINMARLEIGH considered that it was injurious to introduce special subjects into elementary schools, because it induced the teachers to neglect some pupils in order to advance others who showed more aptitude and intelligence in special subjects. While that was the case there ought to be some check that could be brought to bear upon them.

EARL FORTESCUE protested, on his own behalf and on that of his right rev. Friend (the Bishop of Exeter), against the allegation that they were re-actionary in this matter, or opposed to a further diffusion of education among the wage-earning class. He (Earl Fortescue) had again and again in his time dwelt

upon the injustice done in not extending more widely exhibitions and scholarships in the endowed schools for their benefit. What they contended against was giving second-grade education in elementary schools. He felt, however, satisfied with the assurance given by his noble Friend the Lord President of the Council.

THE LORD CHANCELLOR said, that he had some personal knowledge of young men educated in some of their National Schools; and his experience differed greatly from that of his noble Friend (Viscount Sherbrooke). He ventured to say there were some who read and spelt as well as, and even better than, a large proportion of the sons of gentlemen of the same age, and who certainly spelt better than some sons of gentlemen with whom he had occasionally come in contact. He believed that the education given by the National Schools in reading, writing, and arithmetic, was at least as good as that received, in the same elementary subjects, by the higher classes. He entirely concurred in the principle enunciated by the noble Duke below the Gangway (the Duke of Somerset), who said that in this matter they ought to consider not only the children in the towns, but those in the rural districts also; only he would add the converse proposition, that they should consider not agricultural children only, but also those in the large manufacturing and other towns. They should consider not only one class, but children of all classes. If they did not bridge over the transition from primary to elementary education by giving such facilities as they could for learning something more, consistently with the main objects of the elementary system of education, they would, in his opinion, make a great mistake. It came to the knowledge of the Oxford University Commission, of which he (the Lord Chancellor) was a Member, through an influentially signed Petition from Manchester, that in cities and towns where the population was large, many of the poorest boys in the elementary schools were discovered to have quite sufficient ability to learn not only the elementary subjects, but to pass through the elementary schools into higher schools, and so to the Universities. Those boys could not have been sent, in the first instance, to a second-grade

school; they could not pass to such a school without some help; and, if a hard and fast line were drawn between the teaching in the elementary school and that in the school above it, they would never have been qualified to go forward. That was a state of things of which he thought it would be a very great error indeed on the part of those who presided over the Educational Department not to take notice. He was perfectly convinced that if Inspectors did their duty there would be no difficulty whatever in reconciling such facilities as the Fourth Schedule gave for learning something more, with the highest efficiency in the teaching of reading, writing, and arithmetic; and, where the subjects in the Fourth Schedule were taught, with good results, he could see no reason for discouraging, or not encouraging them.

LORD NORTON asked the noble Earl (Earl Spencer) if he would give the House extracts from the Inspectors' Reports both of last year and the present giving their opinion on the Fourth Schedule? The extracts which he had circulated were such as related to this subject as referred to in the margins, and were *ipsissima verba* from the Reports themselves, and he maintained that they were not qualified in substance by the contexts.

EARL SPENCER said, he must object to give extracts. The Reports would shortly be laid on the Table in the usual manner, and he hoped that they would be sufficient for the noble Lord.

LANDLORD AND TENANT (IRELAND)— EJECTMENTS.

EARL SPENCER wished to explain, in reference to the Motion of the noble Earl (the Earl of Annesley) last evening for Returns as to Civil Bill Ejectments, that he now proposed to make the Returns in two parts. The first would be the Return moved for by Mr. J. Lowther in the House of Commons in the last Parliament, and which would be laid on their Lordships' Table in a few days; and the second would be the additional Returns down to the 30th of June last. He hoped that this would be satisfactory to the noble Earl, who he was sorry to see was not then present.

The Lord Chancellor

Return, in tabular form, of the number of civil bill ejectments in each county, distinguishing ejectments on the title from those for non-payment of rent, tried and determined in each county in Ireland for each of the three years ending the 31st day of December 1879, exclusive of ejectments for premises situate in counties of cities, boroughs, and towns, under the Act 9th Geo. IV. chap. 82., or the Towns Improvement (Ireland) Act, 1854, or any local Act:—Ejectments entered: On Title; Non-payment of Rent: Decrees granted: Decrees executed: Dismisses: Cases otherwise disposed of.

Ordered to be laid before the House.

House adjourned at a quarter past Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 6th July, 1880.

The House met at Two of the clock.

MINUTES.]—NEW WRIT ISSUED—*For Berwick Borough, v. The Honble. Henry Strutt, now Baron Belper, called up to the House of Peers.*

NEW MEMBER SWORN—Charles Dalrymple, esquire, *for Bute County.*

PUBLIC BILLS—*Committee*—Employers' Liability (*re-comm.*) [209], *debate adjourned.*

Committee—Report—Customs and Inland Revenue [221-255].

Report—Inclosure Provisional Order (Clent Hill Common) * [217]; Land Drainage Provisional Orders (Frodsham, &c.) * [207]; Pier and Harbour Orders Confirmation * [175]; Tramways Orders Confirmation (No. 1) * [173]; Tramways Orders Confirmation (No. 2) * [174]; Local Government Provisional Orders (Fleetwood, &c.) * [199].

Third Reading—Local Government (Ireland) Provisional Orders (Banbridge, &c.) * [201], and *passed.*

CONTROVERTED ELECTIONS.

MR. SPEAKER informed the House, that he had received from Mr. Justice Lush and Mr. Justice Manisty, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the Election for the Town of Lichfield.

And the same were read, as followeth:—

LICHFIELD ELECTION.

The Parliamentary Elections Act, 1868.

The Parliamentary Elections and Corrupt Practices Act, 1879.

The Parliamentary Elections and Corrupt Practices Act, 1880.

To the Right Honourable

The Speaker of the House of Commons.

We, the Right Honourable Sir Robert Lush, knight, and the Honourable Sir Henry Manisty, knight, Judges of the High Court of Justice, and two of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the said Acts, certify that upon the 28th, 29th, and 30th days of June, and the 1st, 2nd, 3rd, and 5th days of July 1880, We duly held a Court at the Guildhall, in the Borough of Lichfield, in the County of Stafford, for the trial of, and did try, the Election Petition for the said Borough between Sir John Swinburne, baronet, Petitioner; and Richard Dyott, Respondent.

And, in further pursuance of the said Acts, We certify and report that at the conclusion of the said trial we determined that the said Richard Dyott, being the Member whose Election and Return were complained of in the said Petition was not duly elected and returned, and that his Election and Return were and are wholly null and void on the ground of abduction by the Respondent's agents of voters, whereby they were prevented from voting at such Election, and we do hereby certify in writing such our determination to you.

And whereas charges were made of corrupt practices having been committed at the said Election, we, in further pursuance of the said Acts, report as follows:—

(a.) That no corrupt practice was proved to have been committed by or with the knowledge or consent of any Candidate at such Election;

(b.) We further report that the following persons have been proved at the trial to have been guilty of the corrupt practice of abduction of voters, whereby they were prevented from voting:—

Frederick Symonds, a Justice of the Peace for the Borough of Lichfield;
James Spooner, Market Gardener,
Lichfield;

(c.) We further report that there is no reason to believe corrupt practices have extensively prevailed at the Election for the Borough of Lichfield to which the said Petition relates.

Dated this 5th day of July 1880.

ROBT. LUSH.
H. MANISTY.

And the said Certificate and Report were ordered to be entered in the Journals of this House.

PRIVATE BUSINESS.

FURNESS RAILWAY CERTIFICATE, 1880. RESOLUTION.

Motion made, and Question proposed,

“That the draft Certificate of the Board of Trade now lying upon the Table, entitled ‘The Furness Railway Certificate, 1880,’ ought not to be made.”—(Mr. Cavendish Bentinck)

MR. EVELYN ASHLEY said, the Certificate was passed by the Board of Trade under the Railway Facilities Acts, and the opponents received a full hearing. Their objections were fully inquired into, Colonel Yolland, one of the most able and experienced of the Board's Inspectors, having been sent down to visit Whitehaven and make a local inquiry. Colonel Yolland's views were embodied in the Report which the Board of Trade had laid upon the Table of the House. The Trustees of Whitehaven Harbour had no *locus standi* as competing railway proprietors, because their railway only ran round the harbour, and could not in any way be of service in bringing the coal from the Croft Pit to the Furness Railway, that being the object of the promoters of the line for which a Certificate had been given. That was also the answer to the objection which the Harbour Trustees urged against the Board of Trade for not having given a Provisional Order instead of a Certificate. They had no power under the Act to make a Provisional Order unless the opposition came from a competent Railway or Canal Company. It was further urged that the modification in the scheme which Colonel Yolland recommended and the Board of Trade carried out to meet the representations of the Harbour Trustees as to the interference with their road were *ultra vires*. While he (Mr. Evelyn Ashley) denied this, he, at the same time, pointed out that this objection came with very bad grace from the Harbour Trustees, as it was at their instance, and for their benefit, that the alterations were made. The Board of Trade submitted that, having made a full inquiry, and heard all the parties concerned, and then made a Certificate in accordance with the provisions of the Act of Parliament, they might fairly ask the House not to annul their act without inquiry.

MR. CAVENDISH BENTINCK said, he was greatly obliged to his hon. Friend the Parliamentary Secretary to the Board of Trade for the explanation he had been good enough to give. He had been intrusted with a Petition from the municipal authorities of Whitehaven, who were also the urban sanitary authority, in which a complaint was made of the Order of the Board of Trade, which had been placed upon the Table, under the Railway Construction Act. He had,

therefore, considered it his duty to bring the matter under the attention of the Board of Trade, in order to see that no irregularity was committed, and no absolute injustice done. Having heard the explanation of his hon. Friend, he was bound to say that it did seem to him satisfactory as regarded the nature of the inquiry held. It also clearly showed that the technical grounds advanced by the Petitioners for objecting to the Order would fail before any Committee of the House, and that it would be held by the highest authorities that they had no *locus standi* in the matter. Under these circumstances, and feeling that the matter had been fully brought under the notice of the House, and in a mode that was satisfactory to the Petitioners, who, he hoped, would see that nothing had been left undone to establish their rights, if they had any, he had much pleasure in complying with the request of his hon. Friend, and he would not persevere with the Resolution he had moved.

Motion, by leave, *withdrawn*.

QUESTIONS.

PRISONS ACT, 1865—THE PLANK BED.

MR. P. A. TAYLOR asked the Under Secretary of State for the Home Department, If he will state under what circumstances the plank bed was introduced into prisons; whether this form of discipline was found to answer any good purpose; and, if he will lay upon the Table the present instructions in regard to its use?

MR. ARTHUR PEEL, in reply, said, that the history of the use of the plank bed in prisons was shortly this. A Select Committee of the Lords reported in 1863 that the use of plank beds, similar to the guards' bed in military prisons, should be resorted to during short sentences and the earlier stages of long confinements. In the Prison Act of 1865 there was an enactment to the effect that a convicted criminal prisoner might be required to sleep on a plank bed without mattress during such time as might be determined by the Rules of the prison. The fact of this plank bed having been almost universally used since 1865 might be taken to indicate that it had been found to answer its purpose. The Secretary of State gave

orders in 1878 that women, men over 60, and children under 13, should have a pillow and a mattress of some other material used. The hon. Member had asked if he would lay on the Table a copy of the instructions with regard to the use of the bed. The rule as to the practice was to be found in the Report of the Prison Commissioners, which was laid on the Table on the 19th February, 1878. Of these Rules, Rule 16 ran thus—

“A convicted criminal prisoner shall during the whole of his sentence, when it does not exceed one month, and during one month of his sentence when it exceeds that period, be required to sleep on a plank bed; but that a prisoner shall be allowed the opportunity of earning by industry the gradual remission of this requirement, which, however, he shall be liable again to forfeit by idleness, inattention to instruction, or misconduct.”

EDUCATION (IRELAND)—REMISSION OF RESULT FEES.

MR. A. M. SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If, considering the inability this year of the parents of children attending national schools in the districts in Ireland to contribute as in better years the proportion of school fees required in order to entitle the teachers to results fees, and the consequent total loss of such reward to the teacher, though otherwise fully earned by him, the Education Board will take into consideration the advisability of some temporary modification of the rules, so as to remedy for the current year such loss?

MR. W. E. FORSTER: Sir, this matter has had the attention of the Irish Government, and in consequence of their representations the Treasury have decided for the year ending the 31st of March, 1881, results fees shall be paid in schools in scheduled Unions to the extent of half of the full amount, irrespective of the local contributions.

ORDERS OF THE DAY.

EMPLOYERS' LIABILITY (*re-committed*) BILL.—[BILL 118.]

(*Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey.*)

COMMITTEE. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Amendment proposed to

Mr. Cavendish Bentinck

Question [2nd July], "That Mr. Speaker do now leave the Chair" (for Committee on the Employers' Liability (*re-committed*) Bill):—

And which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "no measure dealing with the Employers' Liabilities for Injuries sustained by their Servants can be accepted as a satisfactory solution of the question which admits, as a ground of defence in any action or proceeding brought for the recovery of damages or for compensation in respect to bodily injury or loss of life, that the person by whose negligence the injury or loss of life is alleged to have been occasioned was employed in a common employment with the person killed or injured,"—(*Mr. Macdonald*,)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. WARTON said, he must insist on the necessity of referring the Bill to a Select Committee. The subject required a great deal of careful consideration, owing to the various conflicting interests both of masters and men engaged in different trades and pursuits which had rules and customs peculiar to themselves. It would be impossible to lay down rules applicable to all these multifarious trades and pursuits. The House had not the requisite knowledge to do so, and the task could only be successfully undertaken by a Committee upstairs. Was it reasonable that one man should be liable for the negligence of another? He denied that it was either morally just or legally right. No doubt, on both sides of the House there was the deepest sympathy for the working men. Both sides wished to do what was right and just with regard to the working men; but what was the proposition of the Government? It only extended to some particular cases, and those were very few compared with those described as accidents; and he asked the attention of the Attorney General as to whether he had not known a long trial lasting some days, the question being to determine whether the event was the result of accident or of negligence? In his opinion, the Bill was not so logical as that of the hon. Member's (*Mr. Macdonald's*), because that hon. Member's Bill applied to all cases of negligence; whereas the Government confined it to cases of negligence on the part of those placed in a position of

superintendence. He thought the best course was to provide compensation by way of insurance. In that case, no trial need take place, and the injured workmen would be compensated on the right and proper scale. For 40 years the law had been as it was now, and during that period employers and employed had entered into contracts under it. It would not be said that the workmen could not contract with their employers, and for this reason—that they were members of great Trades Unions, which were strong enough to dictate the rate of wages that should be paid. Employers of labour, he had heard on good authority, were disposed to be very generous, and to be ready for insurance purposes to put down sovereign for sovereign with their workmen. Was it not worth while, then, to inquire whether a system of insurance which would work satisfactorily to all parties could not be devised? It was a question which could well be considered fully and calmly by practical men in a Select Committee. The case of railway servants stood on a different footing, and he regretted that it had been used at the late elections as a lever for the intimidation of candidates. He opposed the Bill in its present form; and in reference to railway servants he thought their case ought not to be included in a general measure. The wages of miners and other persons engaged in dangerous employments were equal to the pay of a captain in the Army, and were something more than the emoluments of a curate in the Church. He, consequently, did not think they should claim to supplement those high wages by compensation in case of injury. He considered they should not pass hastily a Bill which would only lead to litigation; and he asked the House to take into consideration his counter scheme, which would do justice to all.

MR. MACDONALD asked leave to withdraw the Resolution which stood in his name with reference to common employment.

SIR EDWARD WATKIN rose to a point of Order. This was the second occasion on which the hon. Member for Stafford had risen to withdraw his Resolution, and it was desirable to hear from the Speaker whether this was in Order or not. He should like to know from the Government whether they were in favour of the Amendment?

MR. SPEAKER: The hon. Member is not speaking to a question of Order. On Friday last the hon. Member for Stafford applied to withdraw his Amendment, and I put the usual Question, "That the Amendment be, by leave, withdrawn." Leave was not given, and now the hon. Member renews his application.

SIR EDWARD WATKIN said, he only wished to know exactly the position in which the House stood. The Resolution of the hon. Member for Stafford stated that—

"No measure dealing with the Employers' Liabilities for Injuries sustained by their Servants can be accepted as a satisfactory solution of the question which admits, as a ground of defence in any action or proceeding brought for the recovery of damages or for compensation in respect to bodily injury or loss of life, that the person by whose negligence the injury or loss of life is alleged to have been occasioned was employed in a common employment with the person killed or injured;"

and before he was permitted to withdraw it the House ought to be informed as to what was the attitude of the Government in the matter. Were they in favour of the Resolution of the hon. Member for Stafford or not? If they were in favour of it, there was all the more reason for sending the Bill to a Select Committee. If they were not, then, he asked, what bargain had been come to between Her Majesty's Government and the hon. Member for Stafford which induced him to withdraw that which he considered a cardinal proposition. Until a satisfactory explanation had been given on that point both by the Government and the hon. Member for Stafford, he should certainly oppose the withdrawal of the Resolution.

MR. HINDE PALMER thought the motive of the hon. Member for Stafford in seeking to withdraw his Resolution, as well as the attitude of the Government in regard to it, was sufficiently clear from what had preceded. In submitting the Resolution the hon. Member for Stafford distinctly intimated that he did not wish to retard the progress of the Bill; and the Government had stated, over and over again, that they distinctly repudiated the hon. Member's proposition.

MR. STAVELEY HILL hoped that the Amendment of the hon. Member for Stafford would be allowed to be withdrawn. It was intended there should

have been a decision as to whether the question should or should not go to a Select Committee; but the Government had met them in a fair way, and it would, therefore, be far better to allow the Amendment to be withdrawn.

SIR EDWARD WATKIN said, that, with a strong desire to save the time of the House, he would not insist upon a division.

Amendment, by leave, *withdrawn*.

MR. KNOWLES moved that the Bill be referred to a Select Committee, with the view of afterwards instructing them to consider—

"Whether efficient provision cannot be made for all persons injured during their employment, and for the widows and orphans of those killed by accident, by an insurance fund contributed by masters and workmen, and whether the same would not be more beneficial to the workman than the right of action proposed to be given by the Bill."

The hon. Member said, that, having listened with great attention to the debate as far as it had gone, he had come to the conclusion that the Bill was so surrounded by difficulties that it could not be satisfactorily dealt with in a Committee of the Whole House. To confirm the principle of the Bill as at present drawn would only be to give rise to further agitation, which would be kept up until the liability of employers would be made to extend to the humblest among the *employés* entitled to give orders in manufacturing or mining operations. As to the Resolution of the hon. Member for Stafford, no doubt it had been withdrawn simply because pressure had been put upon him by the Government. [MR. MACDONALD: No.] If the Government passed the Bill before the House, they would affirm the principle of the Resolution of the hon. Member for Stafford. In moving his Resolution the hon. Member referred to two or three cases, which he seemed to presume supported his views with regard to common employment. In the case of an engineman and a collier, or a miner, he said that there was no common employment between the two. In his (Mr. Knowles') opinion, there was a common employment between an engineman and a miner. He meant by an engineman not an engine driver, but the person who attends to the engine by which the miner was let down to his work in the

mine, by which his produce was brought to the surface, and by which he was himself brought back to the surface when his day's work was done. If there was no common employment between these two he did not know what constituted common employment. It was said that the proposed alteration of the law would only assimilate the law of this country to that of France, of Germany, of Belgium, and of other countries; but it seemed to be forgotten that the conditions of the labour market in the different countries differed most materially. In Belgium, for instance, women and children were employed in work connected with mining operations without any restrictions whatever; the working classes were paid at the rate of about two-thirds of the amount received in this country, and their hours of labour were about a third longer in duration. [Mr. MACDONALD dissented.] The expression of the hon. Member showed that differences of opinion existed; and, therefore, there was the greater importance for instituting such an inquiry as could take place before a Select Committee, which would have the full facts before it. It was further worthy of remark that in the countries to which reference had been made in support of the present proposal the relations of labour to the State were very different from those existing in this country. There the State owned the mines and the railways, and if colliery proprietors made no profit they had to pay no royalties—the Government taking the precaution to employ the best means of providing that profit should be made by appointing Inspectors to see that the operations were conducted on the best principles; but whether there was profit or not made upon English mines, those working the mines had to pay both royalty and rent, and there were instances in this country where rents and royalty to the extent of £15,000 and £20,000 a-year were paid, and no profits were made at all. There were many other differences between the conditions of labour in Continental countries and our own, which made an assimilation of the law as difficult as it would be unjust. In those countries to which he had referred there was a very arbitrary mode of settling disputes. If a strike occurred, before very long the military were called out. The proposals in the present Bill

were calculated to destroy the freedom of contract, and he did not think that the House would be willing to go back to the practices which had obtained in the days of feudalism. He did not think that the hon. Member for Stafford would like to return to the days of serfdom and slavery which existed when the present law was passed, and there were only masters and men; but if they were to do away with freedom of contract they were going back to the old days of serfdom. He contended that up to the present employers of labour had done their duty to their *employés*. He did not like the existing law, for it was admittedly unjust; many celebrated lawyers and Judges had said so. Upon it, however, bad as it was, their institutions were built, and if it was altered the foundations of their great commercial undertakings would be rendered very unsafe. He could see nothing that was fair in the Bill. Nothing in the Bill indicated that it had proceeded from people of experience, and he could only come to the conclusion that it had originated with a class whose object it was to harass the employers of the country, and to set masters and men at loggerheads with one another—a class, in fact, whose very existence depended upon the keeping of masters and men at variance, whereas the success of trade rested in a great measure upon both classes working in harmony. The hon. and learned Member for Coventry (Sir Henry Jackson) had said that he could not see how compulsory insurance could be practical. He (Mr. Knowles) was confident that a practical method could be devised by a Select Committee which would satisfy everybody, and be an enormous boon to workpeople injured in their employment. It had been stated that this matter of insurance had been brought forward in consequence of this Bill. Well, he might point out that in a pamphlet written by Mr. Campbell, a gentleman of very considerable importance upon the subject, he stated that he had always known of such a provision as insurance for meeting accidents in dangerous employments before and since 1862, and he (Mr. Knowles) had since known the institution to gradually grow all his life. At all the collieries with which he had ever been connected arrangements were made to meet the consequences of accidents; but they were not of a permanent character. Since 1862 societies for the

permanent relief of injured colliers had been growing, and they had done a great deal of good. If this Bill was passed the master would not be responsible for more than 5 per cent of the accidents, and what was to be done with the other 95? His object in sending the subject before a Select Committee was that the whole 100 should be provided for. That morning he had received a letter on the present Bill from a legal gentleman, in which he said that his sympathies were all with the Liberal Government; but he regretted that they had taken up such an arbitrary, slovenly, and ill-considered piece of amateur legislation as the Bill of Mr. Brassey, and he also regretted that the Attorney General had stated that the question of insurance had now only come to the front; whereas two witnesses gave evidence with regard to it to the Select Committee that had sat upon the subject. The necessity for an investigation was shown by the fact that the Government appeared not to know that for many years compulsory insurance had been in operation in Germany, and had worked well. The Select Committee appointed by the late Government did not understand the question. The Government did not realize the importance of it. The Committee did not give prominence to this feature in their Report; and they, consequently, did not know that compulsory insurance in Germany had worked well. Now, these were the opinions of a legal gentleman who had considered the question well. As to the Bill now before the House, it should be remembered that it went much beyond the lines of their Report. The Committee reported that no extension of the law was desirable. He (Mr. Knowles) would enter his feeble protest against the alterations being proposed in the present law. The Bill he regarded as both undesirable and unnecessary, and it was anything but a compensation Bill. It was a litigation Bill, for all the compensation would be swallowed up in litigation. In the conversations that he had had with employers on this subject during the last two or three years, not one of them expressed themselves as desirous of shirking any fair and just responsibility. He trusted that the Government would not ignore the deputation which waited upon the Premier a week or two ago. It consisted of gentlemen who represented capital to

the amount of between £1,200,000,000 and £1,800,000,000. They had considered this question over and over again for the last three years, and they had tried all sorts of ways to meet the question, with the result that the only method of preventing the continuous heartburnings of the workpeople was by some mode of insurances. If Government would give them an opportunity of submitting such a scheme to a Select Committee it would be fairly considered. It had been asked why the opponents of the Bill as it stood did not put their views on paper and let them be discussed in Committee of the Whole House; but he could see no force in such a suggestion, because in such Committee there was no opportunity of examining witnesses, and hon. Members who only kept domestic servants had no opportunity of gaining information as to the work of miners, who spent the greater part of their time underground, with nothing more to guide them in the conduct of their work than the dim and glimmering light of safety-lamps. In Committee of the Whole House there would only be a scramble for Amendments, and nothing like justice could be done. The Government, with their large majority, would affirm the principle of the Bill. Some gentlemen said the Bill would not be so bad as he feared, because employers generally of both political Parties believed that no Government would do such a gross piece of injustice as this Bill would involve. But now that those people who felt confidence in the protection of the House saw that the House was moving in so dangerous a direction, they saw it was time to realize their position. The feeling against the Bill was thus growing every day, and the numerous Petitions against it showed that people were getting alarmed. One firm, with a capital of £3,650,000, who employed many thousand workpeople, had, in their Petition against the Bill, stated that it would render it difficult, if not impossible, to compete successfully with foreign nations, and that all coal and iron property in this country would be very largely depreciated in value. Another argument he held against the Bill was that it would inflict injustice upon a large number of persons who had invested their money in mining property, which would be largely depreciated in value if the Bill passed.

Mr. Knowles

The Prime Minister, a few days ago, speaking on the proposal to give local option as to the sale of intoxicating liquors, admitted that if such option were given, the question of compensating the publicans whose property was depreciated in value would have to be considered. He should like to know whether the right hon. Gentleman would be prepared with a proposal for the compensation of mineowners, whose property would be rendered almost valueless if the Bill were passed in its present form? The present system of insurance was all very well; but one great difficulty in working provident societies was that the men often went away to some other locality where such societies did not exist. Besides, the insurances were not like those against death or old age. The men were assessed at a very low rate in order to cover the risk of accident. If a man insured, again, for a railway journey, he paid his insurance money for his journey, and if he did not get injured he did not get anything returned to him. Again, that was lost and scattered to the wind, and, of course, rather fortunate for him. So, workmen running risks paid their quota towards those who had not been equally fortunate with themselves. If they could, by legislation, compel men and masters, because masters wanted more compulsion than the men, to accept the principle, provident institutions would cover a far wider area than they did at present. For instance, it was every man's duty to educate his children; but they found the people did not accept the moral obligation, and they had to pass an Education Act in order to compel parents to do so. Then, again, every man was under a moral obligation not to overwork his wife or his children; but it was found that many traded on them, and Parliament stepped in and said—"We won't permit you to trade upon them and work them more than they can stand." He thought there would, therefore, be no injustice in masters saying to their men—"We engage you in a dangerous occupation, and you shall contribute your 1*d.* or your 2*d.* per week," the masters, at the same time, being compelled to do the same. Was it any hardship that a man should be told—"You shall pay 1*d.* or 2*d.* per week in order to make provision for yourself and family in case of injury during

your hazardous employment, or, if killed, to provide for your widow and orphans?" There was never any hardship nor anything degrading in such a course. Unless such a system were made compulsory, the masters could never be induced to contribute their quota, although he was convinced that they were willing to do what was right in the matter. Workpeople would do what was honest if they were led in the proper direction; it was not they who wished for this Bill, but only the agitators who had persuaded them that this Bill would make them more comfortable and more independent. Where the workpeople understood the question they did not want this Bill. He heard the other day from a man who, having been offered £100 by a railway company for damages sustained in a railway accident, went to law and recovered £105, only to find that the whole of that sum was swallowed up by the lawyer's bill. Many such cases would be met with if this Bill became law. It might be said that the evil of litigation would cure itself in time; but, in the meantime, how much misery and loss would have been sustained! A Select Committee, it was said, meant delay; but if preparations were made for the inquiry during the Recess, there was no reason why the Report should not be presented by Easter or Whitsuntide at the latest, when more time would remain for legislation than was afforded now. Nobody would suffer from the postponement, and the only loss would be one year's crop of lawsuits. He fully agreed in the remarks made by the hon. Member for South Durham (Mr. J. W. Pease), and believed that 19 out of every 20 men were indisposed for any extension of the law, or, in fact, wanted the present Bill at all. It was only through one or two going amongst them, representing that they wanted to obtain something that they would never realize or be kept independent in the case of accident, that a number had been induced to wish for it. He believed that the working classes would rather have some mode of insurance, so as to have a certainty, than to have to be dragged through Courts of Law. The amount of money which would be spent in litigation, but which might be employed in the creation of an insurance fund, would be enormous. The fact was, that the Bill had been hurriedly brought into the House. He did not believe

that either the late or the present Government saw the full bearings of it when they introduced it. He hoped a Select Committee would be appointed to consider whether some alternative scheme, more just both to the working classes and to the employers, could not be devised. The hon. Member for Morpeth (Mr. Burt) had compared this measure to the Mines Regulation Act, and had remarked that when the latter Act was passed all the coalowners thought they were going to be ruined, whereas the result was that they were none the worse off. When the Mines Regulation Act was originally brought forward in its crude form it was a dangerous Bill, though nothing like so ruinous as this. After four years' discussion in that House the Mines Regulation Act was brought into its present state. In that case there was a limit to the liability which, under the present Bill, would be unlimited. He need not point out that no trade could prosper where masters and men were in constant litigation. If the right hon. Gentleman the Member for Chester knew what would be the effect of this Bill he would not press it. The right hon. Gentleman's position seemed to be that of an election agent. He had got a Bill to pass and he must pass it, and he had got the Law Officers of the Crown to assist him. If those learned Gentlemen would put aside their law and apply their common sense to the subject, they would feel as strongly about the Bill as he (Mr. Knowles) did. The result of passing the Bill would not be to the credit of the right hon. Gentleman. It would do no good to anybody, but would injure both employers and employed. If the Government refused a Select Committee, they would lose a golden opportunity. He believed that before such a Committee evidence could be given to satisfy them that an alternative scheme of insurance would be better, not only for the employers but for the employed. In conclusion, the hon. Gentleman moved—

"That the Bill be referred to a Select Committee, and that it be an Instruction to the Committee that they have power to consider whether efficient provision cannot be made for all persons injured during their employment, and for the widows and orphans of those killed by accident by an insurance fund contributed by masters and workmen, and whether the same would not be more beneficial to the workmen than the right of action proposed to be given by the Bill."

Mr. Knowles

MR. SPEAKER said, the first Question to put to the House would be that the Bill be referred to a Select Committee, and the second part of the Amendment as to the Instructions to the Committee could afterwards be put if the Amendment was carried.

MR. KNOWLES said, he would move it in any way consistent with the Rules of the House. He would, then, simply propose that the Bill should be referred to a Select Committee, and if that proposal were assented to he should be happy to agree to any Instructions the Government might think right to give the Committee.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Bill be referred to a Select Committee,"—
(*Mr. Knowles*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CHAMBERLAIN supposed that there was no Member to whom the House would listen more willingly and patiently than to the hon. Member for Wigan who had just sat down; because it was within the knowledge of the House that the hon. Member was himself largely interested in the trade and in the industry of the country, had great practical acquaintance with this particular question, and a knowledge of the subject which the hon. and learned Member for Bridport (Mr. Warton) candidly and honestly acknowledged that he did not possess; and, moreover, it was well known to many that his relations with his workpeople had always been of a most honourable nature. He was, however, somewhat in doubt whether the hon. Member was speaking against the Bill or was speaking against time. He could say, however, on behalf of the Government, that they had no right—and they certainly had no inclination—to complain of the fullest and most careful discussion of the measure. They knew very well that it touched great interests, and the trade of this country was so complicated that it was difficult at first sight, without very careful consideration, to see what was the exact incidence of a Bill of this kind, and to what degree the various interests might be affected by it. But

he was bound to say that it appeared to him that the greatness of the interests concerned made the Representatives of those interests in the House altogether too timid. They had the hon. Member for Wigan telling them that it would render the great properties invested in mines and similar undertakings almost worthless. He could only say that if the hon. Gentleman could show that one-tenth of the accusations he brought forth were justified, he (Mr. Chamberlain) would be the first one to try and induce his Colleagues to withdraw the Bill from the House. Sidney Smith used to say that Consols were the greatest fools in Europe. He would not say that of the interests concerned; but he would say that whenever this question was touched they were always met by exaggerated apprehensions. The hon. Member had confessed, with regard to the Mines Regulation Act, that he and those who worked against the Bill had entertained exaggerated notions and apprehensions.

MR. KNOWLES explained, that what he did say was that he objected to the crude Bill as it came into the House; but, after four years' discussion, it was made a different measure.

MR. CHAMBERLAIN was glad to hear that the Bill as it left the House was so satisfactory. That was the first time he had heard a mineowner say so. He knew very well that the hon. Member declared at the time that the Bill would be the ruin of the country, inasmuch as it would so hamper the home industries that their workmen and the employers would have no chance with competition abroad. The hon. Gentleman had said that this Bill was 20 times worse than the Mines Regulation Bill. Well, the extra cost thrown upon the mineowner under the Mines Regulation Act was 6d. per ton; some put it at 1s. It had been estimated that the extra cost to the mineowner under this Bill would be ¼d. per ton, or 1-24th of the liability imposed by the Mines Regulation Act. He was right in reminding the House that the same objections were taken to the Factory Acts when they were first brought before the House; and he might quote some expressions of opinion in reference to legislation with regard to the merchant shipping, and also for the security of the public on railways. They knew, however, that

those industries had not suffered, but had gone on developing and improving; and he ventured to think that it would be so in the interests now represented to be in such a state of alarm by the hon. Member for Wigan. He thought they must say that the discussion on this measure, protracted as it was, cleared the ground and paved the way for further progress. They were able to estimate the objections taken to the Bill, together with the alternatives proposed for the acceptance of the House. One thing was very marked, and that was that everybody agreed that something must be done, and that a clear case had been made out for an alteration of the law, and that the sooner the alteration was made the better would it be for all interests concerned. It had been made clear that the objections to the Bill were practically confined to two classes—the representatives of the railway interest in the first place, and of the mining interest in the second. The great bulk of the trading interests of the country were perfectly silent on the subject. ["No, no!"] Well, he had seen objections taken by the general trade of the country to the Bill known as that of the hon. Member for Hastings, but none to the Bill before the House. But the case for an alteration of the law was precisely the strongest in those two cases from which the greatest objections came. The agitation began in connection with the railway interest, and arose from that almost monstrous interpretation of the law which recognized as fellow-servants the workingman earning 30s. a week and the man drawing £2,000 or £3,000 a-year as general manager. They had been told on a previous occasion by the hon. Member for Wigan that there were, on the whole, 500,000 persons employed in the mining industries of this country, out of which number about 100,000 persons were annually killed or temporarily maimed annually by accident! So that, the whole of those so employed were killed or disabled every five years. There must be something wrong in the system under which such an enormous waste of human life and under which such an enormous amount of human suffering became possible, and a change might surely be able to remedy this state of things. The objections taken to the Bill were really to the original draft as it was

introduced to the House and before the modifications, which were promised by the President of the Local Government Board in his opening speech, were made. No doubt, the original Bill created some exaggerated alarm; but the ground for this had been removed by the alterations. These alterations had all been indicated by his right hon. Friend in his opening speech, and, without affecting the main principle of the Bill, they were intended to define its application more clearly. The Government had limited the definition of the term "superintendent" until it came to be a person delegated with authority—a master or a person having others under his control, in contrast to persons employed in manual labour. The hon. and learned Member for Coventry (Sir Henry Jackson) had told them there was no principle in such a definition; but, for his part, he thought otherwise, as he felt confident there was a real distinction between persons in that position of authority, acting in lieu of the master, and for whom the master was expected to make himself almost personally liable, and in whose selection he must exercise particular care and attention, in contrast with the ordinary workman who could in no way exercise control. Then, they had made another modification, to which the hon. Member for Wigan had not alluded, which had a most important bearing on all the objections which had been urged against the Bill—they had limited the amount of liability. They had left no longer any room for extortionate demands; and what they had done was in the interest of the workman as well as of the employer. There was no longer any reason to expect any difficulty would arise from extortionate claims being made upon the employers. The alternative proposals made by the opponents of the Bill would, if accepted, impose much greater liability on the trade and industry of the country than was contemplated by the Bill itself as it now stood. Take, for instance, the proposal of the hon. and learned Member for Coventry. He had urged that the law could not be left as it now was, and that he was willing to accept the principle of the Bill of the hon. Member for Stafford (Mr. Macdonald), if he was granted certain concessions. Now, what were those concessions which the hon. and learned

Member for Coventry said he was willing to adopt? The Bill which the hon. Member for Stafford introduced would make employers liable for acts of negligence of every workman in their employ. The hon. Member for Cardiganshire (Mr. D. Davies), for instance, had 4,000 workmen in his employ; and, therefore, if the Bill of the hon. Member for Stafford was introduced, the hon. Member for Cardiganshire would become liable for the acts of negligence of the whole of his 4,000 workmen, whereas the Bill before the House would only make the hon. Member liable for 50 out of the 4,000. The hon. and learned Member for Coventry asked that he should receive concessions limiting the compensation to £150, whereas the present proposal was three years' wages. The average wages of the county would not produce more than £200; and, therefore, all that the hon. and learned Member asked in return for raising the liability about 80 times was that damages should be reduced from £200 to £150. That was sufficient to show that hon. Members did not really understand the effect of the present Bill. Then, with respect to the alternative of "compulsory insurance," the hon. Member (Mr. Knowles) said he was willing to pay £1 for £1 paid by his workmen, and was willing that that should be not for accidents occasioned by negligence, but for all accidents to which workmen were liable. But he also said that the Bill did not deal with one-twentieth of those accidents. Thus, while he said the Bill was going to ruin all the mining industry of the Kingdom, he was willing to undertake a liability which could be proved authentically to be ten times greater than the liability which could be incurred under the Bill. Could those arguments be serious? Were they really presented with a view to acceptance by the House, or were they only put forward to delay the progress of the Bill? Of one thing he was certain. If their proposals were carried into effect, the persons whom they represented would say that the Government proposed to scourge with whips, but their Representatives proposed to scourge with scorpions. There was clearly an admitted grievance on the part of workmen, although the extent of that grievance was open to difference of opinion.

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Among the grievances which existed there was another which had not been considered, and that grievance was that there was a positive immunity granted to large employers as compared with smaller employers. [Mr. MACDONALD: Hear, hear!] If the smaller employer extended his business, and substituted for his own personal inspection that of managers, the workmen were left without any compensation from the manager in case of an accident, and so the employer, at present, escaped all liability. Now, if it was admitted such a grievance existed, surely it was wise to attempt to remedy it, and it was almost dangerous to meet much a grievance with the answer *non possumus*. Agitation continued, the House was stormed, and hasty legislation was the consequence, which was much more injurious to the interests involved than it would have been if the matter had been taken up in time. There were now before the House three separate proposals. First, there was the proposal of the hon. Member for Stafford, and, as they had been urged to speak frankly on the matter, his right hon. Friend said, in the plainest possible terms, that the Government were unable to accept the principle of that Bill. He was not quite sure that there was not some ground for difference between a stranger and a workman. A stranger was entirely outside the operations; a workman was, to a certain extent, a partner in an enterprise, and to a certain extent he might be called upon to share the risk. On this ground, and on the ground that a principle which would involve so indefinite a liability would interfere with trade and enterprise, they had found themselves unable to accept it. The hon. Member for Stafford had not been over anxious to press his conclusion, and he had written a letter in which he had pointed out the nature and extent of the grievance of the workman, and had suggested that it should be met by making answerable for negligence not only the employer, but all those exercising a delegated authority. That modified view of the case was the one which they had endeavoured to meet by the Bill. The hon. Member for Hertford (Mr. Balfour) would also abolish the distinction between the workman and the stranger, and he would do it, not by elevating the workman to the position of the stranger, but

by depressing the stranger to the position of the workman. He would lessen the existing liability of the employer, and would not extend it in the case of the workman. No one but the hon. Member had been bold enough to support his view. One effect of that would be that the Railway Companies would be relieved from liability in respect of accidents; and he did not think the public would travel in peace of mind if they knew that they were deprived of the security furnished by the fact that a Company would have to pay a heavy penalty for injury due to negligence. The third proposal was the Bill of the Government, and what it did was to lessen a practical grievance. It was not possible to obtain finality in this or any matter; but if the Bill were passed the case for interference would be very much weaker than it was at present. Now, what real objection could be urged against the Bill as it now stood? The most serious was that urged by the hon. Member for Wigan—that it would encourage litigation. To lessen the risk of that the Government entreated the assistance of the House; and if there were any way in which the liability to litigation could be reduced, the Government would be glad to accept it. But the general argument was an argument against all concession of legal right, for, if there were no law, there would be no litigation. They could not have a legal remedy without opening the way to litigation. Whether, in practice, the amount of litigation would be as serious as was supposed he was inclined to doubt. One or two questions might arise; but as many decisions would settle them once for all. The probability of litigation had been immensely lessened, if not altogether removed, by the proposal to limit the maximum amount of compensation. The largest sum a workman could receive would not generally exceed £200, and in a vast number of cases it would be much less. No doubt, the employer would make an effort to come to some agreement; and as a sum of from £20 to £50 would represent the difference between the claim and the offer, it was not likely that sensible people on either side would waste the money that should go into the pocket of one party or the other. Whether the Bill would do anything to expose us still further to foreign

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consistent with disapproval of the Fourth Schedule. A few days ago he had the honour to preside at a meeting of the Council of the General Association of Church School Managers and Teachers; and while the meeting was desirous of promoting the education of the children of the elementary schools, it was unanimously of opinion, and had drawn up a Petition to that effect, that at present the interests of those children were really injured by the Fourth Schedule. What they desired to see was facilities afforded to the children of elementary schools for continuing their education in secondary schools.

THE DUKE OF ARGYLL: My Lords, I am glad the noble Earl opposite (Earl Nelson) has made the explanation he has now given, because it is undoubtedly true that a general impression prevails out-of-doors that the vote of this House the other night was a "re-actionary" vote—a vote in contradistinction to and calculated to arrest the progress of education. I am convinced that the majority of those Peers who voted on that occasion have no wish to lower the standard of education. The fault was their own, both from their speeches and their votes; and I am, I confess, very much puzzled to understand how the noble Duke could have concurred in a vote, not for the Amendment of the Fourth Schedule, not for the preservation of those modifications of it which he himself initiated, and for which there is much to be said—I am puzzled to make out how he could have voted in favour of striking out the whole of the Fourth Schedule altogether. The allusion of the noble Earl (Earl Nelson) has also convinced me that the views I hold on the subject have been misunderstood, and I am confirmed in that by the fact that the noble Earl on the Bench below me (Earl Fortescue), who voted on that side the other night, has sent me a pamphlet on the subject, with almost every word of which I find I concur. There were two distinct propositions in that pamphlet, and one is that the middle-class and secondary education shall not be paid for out of the rates. In that opinion I entirely concur. I hold it as strongly as any noble Lord on the other side of the House that we should, as far as possible, not provide for secondary or what is called middle-class education out of the rates, which

Earl Nelson

are intended for primary education; but then, my Lords, there was a second proposition which was entirely distinct, and that was that in primary schools you should not teach any elements except the elements of reading, writing, and arithmetic, a wholly separate proposition, and from that I wholly dissent. I hold that there are many subjects of which you can teach the elements in primary schools. That is a totally different proposition from the others to which I have referred. Perhaps the noble Lord opposite will say, how do you distinguish between secondary or middle-class education and primary education? There are but two ways of distinguishing between these two subjects, and they are by definition as to age, and also by limitation of expense. The attempt to separate the two kinds of education by exclusion of particular subjects is to my mind wholly futile and erroneous, because there is no subject of which you cannot reach the elements, and any distinction breaks down entirely if you follow the principle laid down by the noble Duke (the Duke of Richmond and Gordon), because I believe he is the author of the paragraph in the Education Code which introduces class subjects. The definition of class subjects is this—subjects that can be taught by means of reading lessons. Now, what can be taught by means of reading lessons, or what is there that cannot be taught by means of reading? Hardly any. To refer to what I have already said on the subject of education in Scotland—and I can say this, that in the course of reading lessons given in that country all sorts of subjects are taught to the children with great success—I shall never forget, about 20 years ago, going into a little school in one of the Western Highlands of Scotland. It was a school which externally would have raised the horror of the noble Earl the Lord President of the Council. It would not have suited any of the rules laid down by him. It was what was called a dry stone building, with a thatched roof and a mud floor. On going into the school I found in it a number of children, extremely poor, reading a lesson with extraordinary intelligence of expression. One of the first subjects given to the children to read me was a description of how metallic ores were treated before the smelt-

Whole House. He had already said that the hon. Member for Wigan had frankly admitted that the effect of referring the Bill to a Select Committee would be to make legislation impossible this Session. The hon. and learned Member for Coventry had said he would use his best endeavours to secure an immediate Report, so that they might proceed in the present Session. But the hon. and learned Baronet knew that he could not necessarily control the action of those who might happen to be his Colleagues. It was perfectly absurd to suppose that if the Bill were referred to a Select Committee the result would be other than he had described. If that were so they would have an agitation, because this was a question which interested a great number of people. The hon. Member for Wigan had spoken about a great number of Petitions having been presented against the Bill. Did the hon. Gentleman recollect that there had been a much larger number presented in favour of the Bill, and that it would be much easier to get a great number of signatures in favour of the Bill than against it? On the one hand, they had the almost unanimous opinion of the working classes of the country in favour of the Bill; and on the other hand, they had a more or less divided opinion on the part of the employers. He did not say that the Bill was perfect; but the Government were ready to come to the consideration of Amendments in Committee with a frank and open mind. He trusted that they would be allowed to make progress. A Select Committee was a natural resource of a Government that did not want to legislate, and of a Parliament that was weary of legislation. This Government or this Parliament was not yet tired of legislation. If Parliament would approach the question with a hearty goodwill they might settle it, at all events, for a time, and they might remove great injustices and glaring irregularities, and make a real contribution to the contentment and also to the security of the working population.

MR. SCHREIBER, who had given Notice of an Amendment that the House should go into Committee on the Bill that day three months, said: Sir, Her Majesty's Government, I am certain, will not complain of any amount of discussion which this measure may receive.

First, because this particular Bill has never had a second reading; and next, because, as has been already seen, discussion helps the Government to understand the consequences of its own proposals. Now, Sir, when this question was first brought under the notice of this House, we were told, in peremptory tones, that "it was time we made up our minds and passed a Bill." It will hardly be believed that when a Member of the Government went so far as to address that language to the House of Commons, the Government itself had not performed the preliminary exercise of making up its own mind, as is shown in the altered provisions of the re-committed Bill before us. Well, then, after the very interesting and instructive debate of last Friday on the Bill, I cannot deny myself the hope that fresh light may again have broken on the minds of Her Majesty's Ministers. For example, there was the speech of the hon. and learned Member for Coventry (Sir Henry Jackson), who never addresses this House without instructing it, and who is always so sensible that, if I did not know he was an eminent lawyer, I should have thought he was a layman. Well, the hon. and learned Gentleman pleaded—and pleaded passionately—for three things. First, that the Bill should go to a Select Committee; next, that a maximum amount, say, of £100, should be named for compensation in the Bill; thirdly, that the principle of mutual assurance should receive recognition in the Bill. His prayer was, at the time, refused; and if, having considered the matter in the interval, Her Majesty's Ministers still persist in that refusal, I see nothing for it but to labour with the same persistence for the rejection of the Bill. My first objection, Sir, to this Bill is founded upon considerations of time. We are still too near to the late General Election. We ought to wait till that event has receded further into the distance, and we are able to legislate in colder blood. Brought forward at this juncture, the measure has too much the appearance of a "bill" drawn upon the capitalists of the country to pay an electioneering debt. Further, if, in the present state of Public Business and at this period of the Session it is impossible to make a good measure of this Bill, then every hour spent upon it will be an hour wasted. But, Sir, I go

further, and I say that whatever the state of Public Business, whatever the period of the Session, and whatever the time at our command, we shall never be able to make a good measure of this Bill. For what is its real character? It is a Bill, Sir, to harass the employer, to multiply accidents, to vex capital, to reduce wages, and, generally, to "kill the goose which lays the golden eggs." It is, then, a Bill most strongly to be resisted in the interests of the very class who have forced this question to the front. Now, I do not know, Sir, what pledges hon. Gentlemen on either side of the House may have given to their constituents; but I gave none on this, or any other question, unless, indeed, it were that I would do my best to prevent the right hon. Gentleman at the head of Her Majesty's Government from ruining the great interests of the country, and which pledge I now discharge by my opposition to this Bill. What, then, is the position of the employer? His interests and the requirements of the existing law already impose upon him extreme carefulness in the prevention of accidents, which have their most fertile source in the carelessness of the men. And what does this Bill do? It extends the liability of the employer by setting up a division and sub-division of delegated authority; it increases his risks by tending to make the men less careful; and, having extended his liability and increased his risks, it subjects him to heavy fines, levied under these new and most inequitable conditions. Now, Sir, that the liability of the employer will be increased by the delegation and sub-delegation of authority is evident already; that the workman will be made less careful is not, perhaps, so apparent; but what other effect can the knowledge have than that, in the event of an accident, he or his representatives will be compensated out of the employer's pocket? And this is not the only way. The Bill, if it is to come into general operation, will be fatal to the system of mutual insurance, which is the best security for increased carefulness, by making it the interest of each man to keep a watch upon his fellow. This Bill, Sir, and mutual insurance are alternatives which exclude each other. If this Bill is to prevail it will be fatal to mutual insurance, which is educating the workman in providence and carefulness. If

mutual insurance is to prevail, why are we wasting our time upon this Bill on this, the 6th of July? And now, a few words with respect to the real bone of contention—the payment of compensation. I shall be told that if almost all accidents have their origin in the carelessness of the workmen, the employer has only to prove it and he will not be fined. But how is he to prove it, when all the witnesses are retained on the other side? Besides, I dare say that to the Law Officers of the Crown, who spend their lives in the extatic contemplation of interminable law-suits, nothing seems so natural, or even agreeable, as that an employer should carry his workmen into the County Court; but I tell the hon. and learned Gentleman, that the relations which now obtain between the best of masters and their men are so strained and difficult that it only requires the able assistance of a few local attorneys to make them altogether impossible. In this matter, Sir, no greater evil can befall the men than to hand them over to that parasite of their class, the pettyfogging attorney. Well, then, is the employer the person who ought to bear this fine? The Government will say, of course, he is; but this Government displays a wonderful aptitude for being liberal with other people's money, and strongly reminds me of the man in Sydney Smith's story, who was so moved with a charity sermon that he emptied both his neighbour's pockets into the plate. For myself, I shall think that the equities of the question are better understood when I hear what compensation the State offers to an employer in the event of his stock, his plant, his mine, his property being injured by an accident having its origin in the carelessness of the men. Can, then, employers bear this fine? In the present state of trade they cannot. With one conspicuous exception, better known to me than to any hon. Member of this House, but well known to many hon. Members of this House, the ironmasters of South Wales, during the late depression of trade, closed their works rather than continue an unprofitable manufacture. Since this Government was formed we have had again a heavy fall in the prices of coal and iron. Let these gentlemen once think that the Government proposes to lay upon them burdens greater than they can bear, and they

may close their works again—this time without the conspicuous exception. And if they do I would have the Prime Minister look to it, for he will hardly realize his Estimates of Customs and Excise. That, Sir, would be a wholesome lesson, and would teach the right hon. Gentleman the obligations of the State to those great pioneers of industry, whose capital must be profitably employed if the taxes are to be paid. Once more, Sir, from what fund is the employer to take this fine? If out of the labour fund of the employed, wages must fall. If, as I think more accurate, out of the pockets of the consumers, prices must rise, and we shall lose our markets. In either case this Bill should be opposed, not so much on behalf of the employer whom it fines, as of the workman whom it will ruin. And now, Sir, a few words as to the “muddle” into which all Public Business is getting—this Bill included. It is due to the utter incapacity of Her Majesty's Government to understand the House of Commons, or their unwillingness to take this House into their confidence. Three measures are now before us which this House detests. I need not name them; but this is one of them. Between the Prime Minister and the Home Secretary there would seem to be a division of labour and a distribution of parts. The latter threatens the House of Commons, and the former coerces his own majority. But Party allegiance may be strained until it snaps; and to threaten this House is the surest way to stop all legislation. Let me recall the experience of 1866, when we deposed a Minister who threatened us, and changed a Government rather than pass a Bill which we disliked. And let me invite the right hon. Gentleman to take some account of the wishes of his faithful followers, and of the stubborn resistance of his opponents, and allow this Bill to go to a Select Committee.

MR. HUSSEY VIVIAN thought this was a question on which they ought to attach weight to the opinion of those who knew something about the relations between employers and employed. In the speeches which had been delivered he failed to find any justification for the legislation which was now being proposed. The President of the Board of Trade alluded very slightly to the Select Committee which investigated this question. He did not

wonder at this, because the Report of the Committee was wholly adverse to the lines laid down in this Bill. The Committee reported that no case had been made out for any alteration of the law relating to the liability of employers to their workmen for injury in the course of their employment except in three cases—that of Corporations, that of employers who delegated their authority, and that of contractors, whose men were considered not to be in common employment with those who were engaged in similar work in the same place. With these exceptions, the Committee stated that no case was made out for legislation; and yet the Government were now proposing, on their own Motion, and, as he thought without justification, to alter the existing law on wholly different principles. The President of the Board of Trade seemed to think the law had been altered in 1837; but that was not the opinion of the Committee. He wanted to know what justification there was for the Government, without any investigation, coming forward and proposing this tremendous alteration of the law? They adopted the crude measure of the hon. Member for Hastings (Mr. Brassey); but, immediately after throwing it on the Table, they saw the necessity of taking it back and introducing into it material alterations. The President of the Board of Trade had said that those who asked that the matter should be duly considered put forward a dilatory plea. He denied altogether that such was the case. He was not in the House when the Home Secretary characterized those who proposed to refer the Bill to a Select Committee as “ringleaders,” and he was glad he was not present. This was a very grave question. They were dealing with the whole of the industries of this great country, introducing new relations between employers and employed in opposition to the Report of a strong Committee; and were those who asked for further consideration to be told they were putting forward a “dilatory plea,” and to be called “ringleaders” in preventing legislation for the good of the working classes? He denied that they were taking any course but what would be beneficial to the working classes. His impression, from what the right hon. Gentleman said, was that he did not see the full extent

to which the present liability of employers would be extended. By the 3rd section, even as modified, if a man were injured through the negligence of another who had any authority delegated to him, the owner was to be liable for the negligence of one over whom he had not the slightest control. He went the entire length of the Committee which reported to the House, and would go further. The person selected by the master to superintend might be regarded as representing the master, and the master ought to be held responsible for negligence on his part. But how to define "agency" was one of the most difficult points which could be conceived. Anyone who had experience of Election Petitions would understand that, and it was still more difficult to define agency in the case of mines. The right hon. Gentleman who spoke last spoke lightly of the crop of litigation to which this Bill would give rise; but that was what he (Mr. Hussey Vivian) most objected to. That was a consideration which might recommend the measure to the favour of the lawyers, who lived by litigation, but not to him, who regarded litigation with horror and detestation. He had had a long business life, and throughout the whole of his career had looked upon litigation as something horrible; but that was not the lawyer's view of it, nor was it to be expected that he should regard his bread and butter with horror. A lawyer, therefore, was not a proper judge of the propriety of passing a law likely to entail endless litigation between employers and workmen, nor was he capable of pronouncing a sound opinion upon it; and when he interfered between them and their workmen, and caused serious questions to arise between them, then he (Mr. Hussey Vivian) must deprecate and dissent from such legislation. It had been pointed out by the Member for Stafford that an employer would be bound to prove that the injury was not caused by the act of his agent. But a master must do his best to uphold his agent, otherwise his influence over the workmen would be destroyed. He hoped it would not be supposed that he desired to escape any pecuniary liability which he ought properly to come under; but he strongly objected to the indefinite character of the liability which was likely to be created by this Bill. The Bill proposed that the

Mr. Hussey Vivian

injured man was to be compensated at the rate of three years' earnings. How were they to define three years' earnings? He had known wages to change to the extent of 100 per cent. If the suggestion of the hon. and learned Member for Coventry (Sir Henry Jackson) were adopted, then they would have something to go upon as to what their utmost liability would be, and they might provide against it by means of insurance. It constantly happened that men exhausted their capital in opening mines; little was required to carry them on afterwards. Under this Bill such men might be absolutely ruined. The Government were acting without investigation, and with very little knowledge of the subject. The community of feeling between employer and employed was of a sacred character, and cognate with the relations of a family; and unless master and man pulled heartily together success would not be attained. They must not suppose that any man would be so inhuman as wilfully to endanger life. To allege that this Bill would prevent casualties was to allege a thing that would not hold water for a moment. Speaking for himself, he could say the most bitter moments of his life were those in which he witnessed the fearful results of an explosion in one of his own pits, and saw the unfortunate men carried off in their coffins. Whenever such a calamity occurred, the owners were ready of their own accord to do ten times as much for the relief of the afflicted as this Bill sought to impose upon them. It was not the question of pecuniary compensation they objected to, but the sowing of discord. He did not think sufficient consideration had been given to the question of insurance. A contribution of, perhaps, $\frac{1}{4}$ per cent of the wages, met by an adequate contribution from employers, would be sufficient to deal with all accidents. There would be no difficulty in dealing with individuals, and less in dealing with districts, the fund being managed by the workmen themselves. Already one-fourth of the colliers of the country, or 120,000, were embraced in existing insurance arrangements; and, if one-fourth, why not all? The Government had a golden opportunity of accepting a provision of this kind. The masters were ready to come forward and to assist handsomely in such a scheme; the lessors of mines were as ~~ready~~

interested as the lessees, and probably would assist also. This was a paltry Bill, because it would deal with only one-tenth of the accidents that occurred, and it would probably waste in litigation more than it would secure for the injured. Was it to promote discord and yet to provide for only 10 per cent of the accidents, that Government desired to legislate? To do so little and to create such difficulties, was not worthy of a strong Government like the present. If the Government would take up the subject comprehensively, they would find their supporters united; but if they persisted with this Bill, they would be endeavouring to force upon their supporters a measure distasteful to them in order to reverse the legal precedents of centuries that had come down to this country from the time of the Romans. Supposing the House went into Committee, every clause would be fought; and, by-and-bye, the Bill would go to "another place" with all the marks of a battle-field in a civil war, strewn with the corpses of friends and brethren. For these reasons, he urged that it should be referred to a Select Committee.

SIR HARDINGE GIFFARD thought it would be better to refer the Bill to a Select Committee, but not for the reasons just urged. He took it that, in the main, they must start with the assumption that the law in regard to common employment must be altered; and the only question really was whether the Bill carried out that alteration. The difficulty in regard to a scheme of national insurance was to make it sufficiently far-reaching to comprise all branches of the community. He remembered a case in which a painter was injured by being knocked off a ladder by a railway servant moving a turntable, and, although they were strangers, they were held to be in the same employment. In the same way, the guard of a train starting from York might be held to be in the same employment as a pointsman in London, and the guard could not obtain compensation for an accident caused by the pointsman. He thought an alteration of the law was imperatively called for, and the only doubt which he had was whether the Bill efficiently carried out that alteration. He could not admit that the alteration of the technical rule of law was inconsistent with the Report

of the Committee. The unreasonableness of the rule had become more urgent in modern times through the multiplication of great Companies, in which there was no individual master to be negligent. He should be disposed to affirm that where there was a person who represented the master, although he had no pecuniary interest, yet, if intrusted with authority, he should be held responsible. As the Bill was drawn, it left a question much wider than that to be disposed of. The hon. Gentleman who had just sat down seemed to entertain a very low opinion of lawyers, for he regarded them more in the phase of instigators of litigation than in the phase in which they more frequently appeared—that of dissuading their clients from engaging in litigation. It was they who, in the exercise of their profession, saw the injustice of such laws as this, and were most anxious to have that injustice done away with. The true view should be to consider the principle of the Bill as established, and that then the Bill should go to a Select Committee—not to inquire into the principle as to whether there should be an alteration of the law, but as to its operative completion. If they insisted upon the Bill going forward in its present form, there would not be time to pass it.

MR. WIGGIN supported the Amendment. He had a short time since attended a meeting in Birmingham of over 200 large employers of labour, and they passed a resolution to the effect that it was very desirable that the Bill should be referred to a Select Committee, in order that its provisions might be carefully considered, and calling on their Representatives in Parliament to vote for a proposal to that effect. That feeling was not confined to the employers in the Midland Counties, but extended to the whole country and to Scotland, because the opinion prevailed that the Bill was being pressed on with undue haste, and that it ought not to become law without being fully inquired into. He trusted that the Government would yield on this matter, and that the Bill would return from the Select Committee so amended that he could give it his cordial support.

MR. M'INTYRE said, he thought that an employer of labour ought to stand in the same position towards those he employed as he did towards the out-

side world, and ought to be equally responsible in case of accident in the one case as in the other. The workman had no opportunity of selecting his fellow-workmen, and the negligence of his fellow-workmen, through which he was injured, ought to be held to be injury by his employer. He submitted that there was no ground for referring the Bill to a Select Committee, and that there was nothing in question which could not be arranged in Committee of the House. He contended, also, that the Bill was in strict accord with the recommendations of the Select Committee of 1871.

MR. GLADSTONE said, he wished to represent respectfully to the House that they had arrived at a point when they were perfectly ripe for a decision. The question before them was not the whole matter that was involved in this very important Bill, but the comparatively simple and narrow question whether the Bill should be referred to a Select Committee. The hon. and learned Gentleman opposite (Sir Hardinge Giffard) had given his reasons with great brevity and simplicity for thinking that that course ought to be adopted; but, whether hon. Members leaned to the affirmative or to the negative, he put it to the House, as men of business, that the time had arrived when they were ripe for deciding the matter. The subject, he would almost say, hardly admitted of extended debate, for what were the principal pleas that had been put forward? Some hon. Members had spoken in support of the proposal for a Select Committee, but with a frank avowal that they were opposed to the principle of the Bill, and they desired to promote whatever was likely to avert its enactment. Those Gentlemen were, undoubtedly, the minority of the House. The great majority of those who were friendly to a Select Committee, and of those who deprecated such a reference, were, however, agreed in the admission, like the hon. and learned Gentleman opposite, that an alteration in the law was desirable, and that it ought to be brought about with every possible despatch. Setting aside those who were opposed entirely to the principle of the Bill, he thought there were two classes of persons, two kinds of reasons, to be considered in favour of the proposal to refer the Bill to a Select Committee. Some

hon. Gentlemen thought that the reason was to be found in pointing to a proposition like that contained in the 3rd clause, which fixed a certain number of years passed in employment, and the wages received in those years, as the rule for determining the maximum of compensation that was to be paid, and urged that that was not a good principle, but that a sum of money should be substituted. That might be, or it might not be—he did not give any opinion on the point at present. It was a question, however, which would be considered with the greatest advantage in Committee of the the Whole House. Moreover, that was a question which, if considered by a Select Committee, could only be decided there on the same class of considerations that would present themselves to the minds of every Member of that House; and if it were so considered and decided, the probability was that the Bill would come back again only to promote renewed discussion. He ventured to add that not only would they gain nothing by the reference to the Committee upstairs, but that they would lose a great deal. Much more thorough and varied light would be thrown upon the Bill when discussed in the House than it would be if the work were undertaken by a number of Gentlemen sitting in Committee round a table. But the real argument, after all, which had been advanced in favour of referring the measure to a Select Committee, was the one which seemed to be the most conclusive against the adoption of that course. He referred to the argument that a scheme of general and, perhaps, compulsory insurance ought to be embodied in the Bill. Her Majesty's Government had no disinclination whatever to see the voluntary principle, with all the advantages which belonged to it, applied to the great object of compensation for accidents; but before being disposed to allow the fate of the Bill, so far as it depended on them, to rest on the introduction into it of a plan of that kind, they must ask themselves, as men of business, the question whether those who put forward that proposition, and were so anxious for its adoption, were themselves prepared with a plan which might be carried into effect? Now, on the contrary, there were no elements of that description. It was now five weeks since he had the honour of receiving a deputation, to which an hon. Friend

Mr. McIntyre

behind him had referred. There were assembled at that deputation a very large number, not only of persons of the highest influence, but of the ablest men of business to be found in this country; and among those men of business was Mr. Baxter, and there was not an abler man, as far as he knew, to be found among them, and there were many of those men of business who proposed the recommendation of such a plan. But this was an abstract recommendation, and not anything like a practical scheme. It was accompanied by an intimation on the part of some that the thing might be done, and by others with expressions of misgiving and doubt whether it could be done, and with an avowal that it would be a very good thing if it could be done. Now he begged to state, with very great respect, that these were not the kind of proposals that ought to be referred to a Select Committee. In order to justify a number of Members of that House taking into their hands a consideration of that kind, it ought to be already in the shape of a practical project, framed by men of considerable authority and practical experience, instead of being, as it was, a project altogether in the air. They were far more likely to create a method of insurance against accidents if they passed this Bill, and then applied in that manner a spur to the able and vigorous intellects of the Gentlemen who had brought up the subject, than if they referred it to a Committee. As far as the Government were concerned, much as they wished that a plan of that kind should be tried, much as the Government conceived that when they were freely and voluntarily adopted between masters and workmen they were the best of any schemes that could be devised under general liability enacted by Act of Parliament, yet they could not but say that this argument as it stood was an argument against, and not for, reference to a Committee. There was another motive which weighed very much with him in thinking that they would be doing unwisely by referring the Bill to a Committee. The working men of this country were happily, to a certain extent, directly represented in that House, and they were morally and indirectly represented to a much larger extent by the intelligence and philanthropy of many Members, among whom were many great employers of labour;

but their direct representation being small, it was natural that they should view, partly, indeed, with confidence, and partly, also, with jealousy, a reference of the Bill to a Committee upstairs. To conduct an investigation with closed doors would be far less likely to carry the confidence of the working men of the country than if, in open Committee, they gave up all the time that was necessary for a careful and patient consideration of every practical proposal that might be made. For these reasons he hoped the House would decline to refer the Bill to a Select Committee, and that it would be able to arrive at a decision that evening.

MR. STAVELEY HILL said, he was strongly convinced, notwithstanding the speech of the Prime Minister to the contrary, that the Bill should go to a Select Committee. The Mines Regulation Bill was rejected because the House was anxious that it should come before them in a more complete shape, as it eventually did, after being referred to what was practically a Select Committee; and he maintained that the two cases were similar. They objected, not as the Prime Minister seemed to imagine, to the 3rd clause of the Bill, but to the 3rd sub-section of the 1st clause, which had no limit in it whatever, and which made a master liable for the negligence of any person in his service to whose orders a workman was bound to conform or did conform. In conclusion, the hon. and learned Member expressed his profound regret at finding that the Government intended to press forward the Bill in its present crude condition.

SIR EDWARD WATKIN wished to know whether, in the event of this Bill going into Committee, the Government would be prepared to introduce, or to favour the introduction of, a measure on the question of a general assurance against those casualties of life which were attached to our industries, and to put an end to the Bill now before the House, provided that hereafter a measure relating to insurance was passed?

MR. GLADSTONE replied, that if a well-considered plan of insurance were submitted to the House in Committee, it would be the duty of the Government to give full consideration to the subject.

Question put.

The House *divided*: — Ayes 259; Noes 130: Majority 129.—(Div. List, No. 43.)

Question again proposed, "That Mr. Speaker do now leave the Chair."

It being ten minutes before Seven of the clock, the Debate stood adjourned till *this day*.

CUSTOMS AND INLAND REVENUE
BILL—[BILL 221.]

(Mr. Playfair, Mr. Chancellor of the Exchequer,
Lord Frederick Cavendish.)

COMMITTEE.

Order for Committee read.

MR. GLADSTONE: I propose to go into Committee *pro formâ* on this Bill, and I think I shall have time to state the changes which will be proposed. The regulation clauses will be amended in detail. The exemption will be reduced to £10. Farmers' land will not be included. The allowance for waste will be 6 per cent. Collection will be monthly. The standard will be 57 per cent for duty, and likewise for drawbacks on exports. The deduction from the permissive charge will be 4 per cent. The drawback to maltsters will be paid in one sum. The private brewer will be allowed to brew only on his own premises. The wine duty clauses will be dropped; the billiard-room keeper will stand exactly as he does now. The relief to hotels will not apply where the hotel keeper has in a separate part of his premises a public-house business. The composition for stamp duties on transfer for municipal stock we propose to fix at a lump sum of 12s. 6d., instead of 8d. per annum. I shall also have to move a Resolution in a separate Committee of the Whole House to raise the duty on public-houses according to a scale, at £5 per £100 rating, from £100 upwards, instead of stopping, as the Bill now does, at £100.

MR. CALLAN asked whether any alteration of duty had been made with respect to public-houses in Ireland?

MR. GLADSTONE said, that would stand for consideration in Committee. They were only going into Committee *pro formâ* just now.

MR. STORER asked whether opportunities of discussing these questions would be given to Members who had Motions on the Paper?

MR. GLADSTONE: Yes.

Bill *considered* in Committee, and *reported*; to be printed, as amended [Bill 255]; *re-committed* for Thursday 15th July.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

MOTIONS.

ARMY (HIGHER RANKS).

RESOLUTION.

MR. TREVELYAN, in rising to move—

"That steps should be taken to reduce the active list of generals to the point at which it is adequate, and no more than adequate, to the actual requirements of the Service of the country; that no appointment should henceforward be made to honorary colonelcies, due regard being had to the interest of existing officers:

said: Sir, there is this drawback about an exceptional case, that its possessor finds it hard to determine at which end to begin; and a stronger case than this, I venture to say, was never laid before the House of Commons. I have been long enough in this House to know that what it likes are facts; and facts it shall have—so clear, so strong, so plain and self-evident that, without comment or explanation, they constitute an argument in themselves. Englishmen—and small blame to them—are not accustomed to look abroad for instruction; but there is one country to which they are not ashamed to look for instruction with regard to Army matters, and that is Germany, or rather Prussia. We are never ashamed—it would be the height of folly if we were—to ask how Prussia treats any question relating to the maintenance of a National Army. The Prussian Army, in time of war, comprises 600,000 men present with the Colours. That Army is under the command of 150 generals. There are 13 generals in command of districts, 31 cavalry generals, 28 infantry generals of division, and 52 of brigade. 13 generals of artillery, and an average of 10 or 12 engaged in military administration. Every one of those generals is on the active list; and, as soon

as he is unable to perform his duties, he leaves that list. To command the British Army of 400,000 men there are on *The Army List* 215 generals, 169 lieutenant generals, and 242 major generals, or 626 generals in all. That is to say, the list of generals, as shown on our *Army List*, for 400,000 men equals the active and retired list of the Prussian Army of 600,000 men; or, to put it in another way, our list of generals is more than four times as great as the Prussian list of generals who command the Prussian Army. Our retired list of generals is one which no man can number, and it is difficult enough to say how much our generals, active and retired, are paid; for the Estimates, framed more reasonably than they were 10 years ago, are not yet of a nature to assist the researches of an independent Member who is interested in military matters. But it stands something like this. Staff pay on the English Establishment, £19,000 a-year; honorary colonelcies, £203,500; salaries for administrative duties, say, £25,000; full-pay of general officers, £130,000; distinguished service money, £15,000; reduced and retired generals of Royal Artillery and Engineers, £47,000; half-pay to officers of the rank of general, say, £50,000; pay to general officers in India, £70,000; pay and pension, including colonels' allowances, to general officers of the Indian Service resident in England, taken approximately, at £240,000 a-year. These sums, added together, reach the enormous total of £784,500, or three and a-third times as much as that paid for commanding the greatly larger Army of Prussia. The larger part, but not much the larger, is borne by India; but I do not distinguish between what India and what England bears. We are here to protect the unrepresented millions of India. If we are not their protectors, if we do not see that their interests are not sacrificed to the private interests of individuals, there is no amount of exaction to which they will not be exposed. Well, that is the sum which, under the head of General Officers, the taxpayers of the British Empire are out of pocket yearly; and what is the value which they get for their money? Here I must ask hon. Members, who are not acquainted with the details of our military system, to prepare themselves for the incredible. Count-

ing His Royal Highness the Commander-in-Chief, we have 20 general officers employed in military commands at home. Engaged on administrative duties at home we have 14 general officers. Seventeen of our generals are actively employed in India, and 12 in the Colonies; so that, in all, 63 of our generals are actually at work at any given time—that is to say, while on an average every general in the Prussian Army, who is actually employed, costs his country £1,460 per annum; every general in the British Service, who is actually employed, costs the yearly sum of £12,444. The cause of this monstrous state of things is that, instead of a fixed list of generals, a list to which a man is promoted, not because he is to be called a general or to get the emoluments of a general, but because the country requires the services of a general, we have an immense, an amorphous, an unmanageable agglomeration of generals, old and young, effective and non-effective, men capable of discharging any military employment in the world, and men so notoriously incapable that no Minister in his senses would intrust them with the charge of a brigade. No less than 34 are not generals at all, but colonels and lieutenant colonels with temporary rank as brigadiers. The country ought to know that while, with the help of India, it is paying £750,000 to maintain a perfect army of generals, when there is duty to be done in India of the nature which falls to the lot of a general, proper men for the purpose are not to be found on this endless roll; but 34 officers of a lower grade have to be selected, and their pay raised, in order to fulfil the duties to which our list of generals, as at present constituted, is, by the confession of the Horse Guards and the War Office, unequal. And, no wonder; for instead of making the position of a general a business, and one of the most honourable businesses, we have turned it into a mere rank with no attributes except the name and the pay. When there are vacancies on the list of generals, instead of choosing the best man and the fittest man, we shovel in all the names that happen to stand at the top of the list of colonels. There may be here and there an exception; but that is our system. Are hon. Gentlemen aware what, in deal-

ing with the appointment of general officers, a system of seniority means? In many callings age is no disadvantage. But it is not so with a general. Youth, or that excess of vital power and redundant health which, except in a few very fortunate people, advancing age too surely impairs, is a definite and indispensable qualification. Just think what the duties of a general are. To be awake when others are sleeping; to be about when others are stationary; to have at his fingers' ends the details of the transport, the commissariat, the exact local distribution of all the force under his command. And, with all this on his mind, to conduct the military operations; and, when the day's marching or fighting is over, to sit down and do another day's work at his desk. During his first and, perhaps, his most remarkable campaign, Pichegru relates that he himself only slept, on an average, one hour in the twenty-four; and, to come to our own successful general, I should just like to have a return of the number of hours a-day which Sir Garnet Wolseley spent in his saddle in South Africa, and on his legs in Canada and Ashantee. Let us look at our great wars, and at the age of the men who did so much for the glory of their country. The Duke of Wellington became a major general at 33; Lord Anglesea at 34; Lord Hill at 33; Lord Beresford at 39; Lord Combermere at 31; Lord Londonderry at 32. On the morning of Waterloo there was only one man in the British Army over 50; and that solitary individual was General Picton. That is the state of things that must exist in a fighting army, if it is to fight successfully. Let us see how it stands with us. In 1854, on the eve of the Crimean War, a Commission was appointed to inquire into the condition of the higher ranks of our Army. It was a most distinguished Commission, whose recommendations and observations were worthy of the closest attention; for it included the names of Lord Hardinge, Lord Raglan, Lord Seaton, Sir John Burgoyne, Sir Hew Ross, Sidney Herbert, Lord Dalhousie, and Lord Grey. The Commission reported that—

“The average age of existing major general is not less than 65, and that the lieutenant generals who will command divisions are, of course, older still.”

They enlarged with great force and ability on the danger of intrusting

troops to commanders who were past their prime, and who, if they gained experience as commanders in one campaign, would be superannuated before they had time to make use of it in another; and then, as a remedy, they proposed to give commands to colonels and lieutenant colonels—that was to say, they could think of nothing better than to intrust the duties of a general to others than a general, because the generals whom we possessed were too old to exercise them. Now, that was a poor and weak remedy. It did not go to the root of the evil, and could be called very little better than a palliative; but that was the worst that could be said against it. It is left for a Government of our own day to invent a remedy that is a great deal worse than the disease. Things did not mend after 1854. In the year 1873, for instance, the four lowest officers on the list of major generals were aged respectively 53, 57, 55, and 51. The four lowest on the list of lieutenant generals were aged 73, 56, 73, and 82. The four lowest on the list of generals were aged 65, 72, 77, and 73. The evil is as great as ever; but the time has come when it can be mended. Purchase has been abolished, and a clear field has been made on which the new construction of our Army can be built. Where there has before been a vast and complicated multitude of vested interests, there is a *tabula rasa*, on which the authorities might make what sketch they choose, and might fill it up as they like. There never was such a chance for a bold and great Administration. And what was done? On Army questions I have never been and never will be a Party man; and, therefore, I cannot help saying that both the Liberal and Conservative Governments were to blame for what followed. The Liberal War Office, which had abolished Purchase, which ought to have had cut, dried, and ready, the organization by which it proposed to supersede the old abuses that had grown up under Purchase; which did not require a Bill, to be carried with difficulty through the two Houses, in order to effect what was wanted, but by a simple exercise of its volition and a few strokes of the pen, might have accomplished all that the nation had a right to demand. The Liberal War Office put off dealing with that question through the latter half of 1871, through the whole

Mr. Trevelyan

of 1872, through the whole of 1873, and left the work which they themselves were absolutely bound to complete, to be made or marred by their successors. And how did those successors fulfil the task? In 1877 Lord Cranbrook issued his Royal Warrant for Promotion and Retirement. What did Lord Cranbrook do? Did he reduce the enormous burden on the country, and provide us with young and effective generals by diminishing the list to the size that was wanted, and by promoting on to that list by selection? Nothing of the sort. He began by fixing the establishment of generals for the Guards and Line alone at 200, or quite thrice as many generals as are wanted for the service of our entire Army. Then he announced that that was to be an active list, and, consequently, that all general officers over 70 were to be retired; a process which reduced his list to about 200. And then, having fixed a list twice as large as the nation wanted; having reduced the number of generals to the size of that list; he then proceeded to create an enormous number of fresh generals, which eventually increased the list to a great deal more than half again the size which I have named, and announced that it would be the business of the War Office of the future to reduce the list to 200 by checking the rate of promotion for the next generation of officers. Was there ever such a device heard of before? It was foreseen by the Commission of 1854 that a compliant War Minister might some day be persuaded into such a course by the military men who surround him, and they have emphatically condemned it by anticipation, and warned the country against being ever infatuated enough to adopt it. But a Minister has been found to adopt it; and the consequence is that for the passing moment, indeed, we have some younger generals on the list. Here and there among men of 60 and 65, we find a man of 46, 47, and 48. But the advantage has been purchased by the certainty of a block in promotion, such as 10 or 15 years hence would make a major-general of an age for active service a thing to be stared at as a phenomenon; which would break the hearts and ruin the careers of all the ambitious and energetic colonels and officers in our Army. Before promotion returns to the same miserably slow rate of pro-

gress at which it crept along before the abolition of Purchase, the list of generals in the Guards and Line alone will have to be reduced by the slow, the cruelly slow, system of absorption of vacancies from 302 to 200. If we require 34 colonels on temporary rank to help our present comparatively young generals to do their duty, how many do you think we shall require when the full effect of Lord Cranbrook's scheme has had time to show itself? To fix the list of generals twice as large as is required, and then to swell that list more than half as much again by giving promotion to the officers of the present, at the expense of the officers of the future, is the most signal instance of subordination of private to public interests that has taken place in the time of any man living. Against that indefensible proceeding the Liberal Party protested, as a Party, in 1877; and I now call upon the Liberals, and upon as many Conservatives as put the interests of the Army before Party considerations, to condemn and to undo it now. To that Resolution which calls for an active list of generals, which should be an active list in fact, and not in name, I have, I believe, the assent of every every energetic and aspiring officer in the Army; and for that Resolution which calls for the abolition of the honorary colonelcies I claim the vote of every economist in the House. What is the real cause of the enormous cost of our Army, in its higher ranks, and what is the great difficulty of ascertaining and reducing that cost? It is that in the case of the Army we have lost sight of the great principle that always should govern the relations between the public and the servants of the public—the principle that those servants should be paid either in the shape of salary for the work that is still doing, or of pension for work that has been done. But these honorary colonelcies are neither salary nor pension. They are nothing more nor less than offices—old sinecure offices, which have descended from the bad old days of corruption and jobbery, and which, even in those bad old days, were distinguished by being especially obnoxious to a public sentiment which was then so little squeamish as to swallow almost anything. In the middle of the last century, people who were revolted at nothing else were revolted at the idea of

the so-called leader of a battalion turning a few shillings by the clothing of every live soldier, and a few pounds by the clothing of every dead one; filling the muster-rolls with fictitious names, for which he drew pay, and making a small fortune when the regiment was decimated at a battle, where he was not present, or in an unwholesome climate where it was quartered, while he was comfortably seated over his whist-table in a London Club. And in the middle of this century, public opinion at last became too strong for the continuance of such an evil system. In 1854, Sydney Herbert gave the colonels a fixed allowance, in lieu of their old gains as contractors; but continued to them the responsibility of superintending the clothing of the regiment. But, in the next year, Lord Palmerston took away from them that responsibility, and turned the honorary colonelcies, for good and all, into pure, unadulterated, and unmitigated sinecures. They are not salaries, for the essence of a salary is that work shall be done for it; and, except attending, possibly, the regimental dinner, a colonel did no work, as colonel, from year's end to year's end. And, if possible, still less are they pensions. The characteristic of a pension is that it should be a fixed annual sum, proportioned to the salary and length of service of the person who receives it, beginning from the moment that he retires from service, never increasing in its amount, and, above all, never being enjoyed at the same time as salary. So strictly is this last condition observed in all other Departments, from the highest to the lowest, that when a Cabinet Minister, who has earned a pension, again takes Cabinet Office, his pension is withdrawn. But it is not so in the Army. The Field Marshal Commanding-in-Chief, while he draws £4,432 a-year as Commander-in-Chief, draws £2,200 a-year as colonel of the Grenadier Guards. The Military Secretary, while he draws £1,500 a-year as Military Secretary, draws 1,000 a-year as colonel of a regiment of the Line. The Adjutant General, while he draws £2,000 a-year as Adjutant General, draws £1,000 a-year as colonel of a regiment of the Line. One year and another, there are 20 high placed officers who enjoy these so-called pensions contemporaneously with, and in addition to, most ample

salaries. I ask the House of Commons what it would think if it was proposed to introduce this precious system into any other Department of the Public Service? If our Judges of the High Court and our Lord Chancellors were to have, in addition to their salaries, honorary Recordships or Masterships rising from £1,000 a-year a-piece? If our admirals were to be gratified by having among them a hundred richly paid honorary post-captaincies, of which the snuggest and best were reserved for themselves by the high naval officials who distributed the rewards of the Service at Whitehall? The truth is that the whole thing is indefensible, and all War Ministers for a long time past have known it.

"I am not at all disposed," said Lord Cardwell, "to enter upon a defence of the system of honorary colonelcies."

Lord Hampton went further—

"I desire," he said, "to disclaim on my own part any defence of the system of honorary colonelcies; for I think that the system is not a good one, and might very easily be improved."

There never was but one tenable ground of defence for them, and that ground can be held no longer. There was a time when they were employed to compensate officers for the vast and frightful losses of money which they endured under the system of Purchase in the Army. In the year 1833 a Committee of the House of Commons sat to inquire into military sinecures, which, at that time, included the honorary Governorship of a great number of old unused castles, such as Berwick, Scarborough, Tynemouth, and Pendennis, but which, then as now, consisted mainly in the honorary colonelcies. The Duke of Wellington appeared as a witness to defend these sinecures, and to defend, at the same time, the enormous size of the list of generals. The ground of his defence was nothing more nor less than that officers must be compensated by sinecures for the money which they had sunk in buying their commissions.

"They have purchased," he said, "their commissions for large sums, and, being colonels of regiments, they cannot sell out; their money is sunk in the Service, and lost to them and their families for ever."

The officer sunk his money, and was half ruined, and the public had to maintain the expense of a great mass of

sinecures in order to ease the burden of those whom the Purchase system had stripped bare of their property. But now Purchase has gone—has gone long ago; and all this mass of honorary offices, and this great overgrown list of generals, ought long ago to have gone with it. Since the day when I first asked the House, more than nine years ago, to stop the appointments to honorary colonelcies, no less than three-fourths of the present generals have obtained their promotion to the list, and have taken their place among the claimants for these offices. When the day comes for them to be abolished, as it surely will, heavy and grave will be the responsibility of the Parliament which, by rejecting the Resolution which is now submitted to it, entails such an immense and needless additional burden upon the Exchequer. The prospects of lieutenant generals and major generals who look forward to colonelcies should be accurately reckoned, and made good to them in the shape of pensions, immediate or deferred; but the injustice, for it is nothing less, of a system under which officials at the Horse Guards being allowed to draw, in addition to their salaries, these great sums of money which they themselves defend, upon the ground that they are pensions for meritorious officers, should be put a stop to now, at once and for ever. The right hon. Gentleman at the War Office is the man to do this. He it was who, by a well considered and most successful scheme, depleted the over full ranks of admirals and post captains in the Navy with advantage alike to the officers who went and the officers who remained. Let the right hon. Gentleman ascertain how many officers are wanted for actual employment; how many generals to command at Gibraltar and Aldershot, in India and in Ireland; how many lieutenant generals are required to command divisions; how many major generals to command brigades; just as the Lord Chancellor ascertains how many Judges are required in each section of the High Court. Then, having ascertained what the duties are, and having allotted an officer of the proper rank to each, let him allot to each officer an adequate salary. I am not one of those who think that a working major general is overpaid on £700 a-year, and 12s.

a-day allowances. And let nobody thenceforward be made or called a general, unless a general is wanted to do general's duties; and then let the fittest man be taken. Now that we have no longer got Purchase we must have selection. There is no real difficulty about it. Before Purchase was abolished the Duke of Cambridge came before a Royal Commission, and announced that he, as responsible head of the Army, did not feel equal to selecting lieutenant colonels to command battalions. But Purchase was abolished, and His Royal Highness found himself quite competent to appoint lieutenant colonels. So, if Parliament insists upon it, he will find the selection of generals no impossible task. The truth is that when the duties to which a man is promoted are real duties promotion almost makes itself, and the best man is sure to be selected. Let the Government give the country the 100 generals for whom it has work, and restore to the name of general the prestige which will accrue to it when it is a reality instead of being, as it so often is, a sham; and you will do as much to educate the public spirit and maintain the efficiency of the Army as, in the end, you will do to save the pocket of the taxpayer. And, when generals are past work, let them retire on a fair and certain pension proportioned to their rank. Two or sometimes even three deserving officers might be pensioned for the sum that now is consumed in addition to a salary by one man or another who is not a retired officer at all; by reducing the Active List of generals to what the Service required; and by retiring superannuated generals on a fixed and well-ascertained scale of pension, you will save to the nation an annual sum the capital of which will more than cover half the capital which was expended, and, wisely expended, in abolishing Purchase. That course is one which, as Englishmen solicitous for the condition of the Army, and as Members of Parliament who are guardians of the public purse, we are equally bound to take, and in the confidence that many present will agree with me, I beg to move the first Resolution of which I have given Notice, and, subsequently, if that is carried, the second.

MR. ANDERSON said, he had great pleasure in seconding the Motion of his

introduced to the House and before the modifications, which were promised by the President of the Local Government Board in his opening speech, were made. No doubt, the original Bill created some exaggerated alarm; but the ground for this had been removed by the alterations. These alterations had all been indicated by his right hon. Friend in his opening speech, and, without affecting the main principle of the Bill, they were intended to define its application more clearly. The Government had limited the definition of the term "superintendent" until it came to be a person delegated with authority—a master or a person having others under his control, in contrast to persons employed in manual labour. The hon. and learned Member for Coventry (Sir Henry Jackson) had told them there was no principle in such a definition; but, for his part, he thought otherwise, as he felt confident there was a real distinction between persons in that position of authority, acting in lieu of the master, and for whom the master was expected to make himself almost personally liable, and in whose selection he must exercise particular care and attention, in contrast with the ordinary workman who could in no way exercise control. Then, they had made another modification, to which the hon. Member for Wigan had not alluded, which had a most important bearing on all the objections which had been urged against the Bill—they had limited the amount of liability. They had left no longer any room for extortionate demands; and what they had done was in the interest of the workman as well as of the employer. There was no longer any reason to expect any difficulty would arise from extortionate claims being made upon the employers. The alternative proposals made by the opponents of the Bill would, if accepted, impose much greater liability on the trade and industry of the country than was contemplated by the Bill itself as it now stood. Take, for instance, the proposal of the hon. and learned Member for Coventry. He had urged that the law could not be left as it now was, and that he was willing to accept the principle of the Bill of the hon. Member for Stafford (Mr. Macdonald), if he was granted certain concessions. Now, what were those concessions which the hon. and learned

Member for Coventry said he was willing to adopt? The Bill which the hon. Member for Stafford introduced would make employers liable for acts of negligence of every workman in their employ. The hon. Member for Cardiganshire (Mr. D. Davies), for instance, had 4,000 workmen in his employ; and, therefore, if the Bill of the hon. Member for Stafford was introduced, the hon. Member for Cardiganshire would become liable for the acts of negligence of the whole of his 4,000 workmen, whereas the Bill before the House would only make the hon. Member liable for 50 out of the 4,000. The hon. and learned Member for Coventry asked that he should receive concessions limiting the compensation to £150, whereas the present proposal was three years' wages. The average wages of the county would not produce more than £200; and, therefore, all that the hon. and learned Member asked in return for raising the liability about 80 times was that damages should be reduced from £200 to £150. That was sufficient to show that hon. Members did not really understand the effect of the present Bill. Then, with respect to the alternative of "compulsory insurance," the hon. Member (Mr. Knowles) said he was willing to pay £1 for £1 paid by his workmen, and was willing that that should be not for accidents occasioned by negligence, but for all accidents to which workmen were liable. But he also said that the Bill did not deal with one-twentieth of those accidents. Thus, while he said the Bill was going to ruin all the mining industry of the Kingdom, he was willing to undertake a liability which could be proved authentically to be ten times greater than the liability which could be incurred under the Bill. Could those arguments be serious? Were they really presented with a view to acceptance by the House, or were they only put forward to delay the progress of the Bill? Of one thing he was certain. If their proposals were carried into effect, the persons whom they represented would say that the Government proposed to scourge with whips, but their Representatives proposed to scourge with scorpions. There was clearly an admitted grievance on the part of workmen, although the extent of that grievance was open to difference of opinion.

Mr. Chamberlain

Among the grievances which existed there was another which had not been considered, and that grievance was that there was a positive immunity granted to large employers as compared with smaller employers. [Mr. MACDONALD: Hear, hear!] If the smaller employer extended his business, and substituted for his own personal inspection that of managers, the workmen were left without any compensation from the manager in case of an accident, and so the employer, at present, escaped all liability. Now, if it was admitted such a grievance existed, surely it was wise to attempt to remedy it, and it was almost dangerous to meet much a grievance with the answer *non possumus*. Agitation continued, the House was stormed, and hasty legislation was the consequence, which was much more injurious to the interests involved than it would have been if the matter had been taken up in time. There were now before the House three separate proposals. First, there was the proposal of the hon. Member for Stafford, and, as they had been urged to speak frankly on the matter, his right hon. Friend said, in the plainest possible terms, that the Government were unable to accept the principle of that Bill. He was not quite sure that there was not some ground for difference between a stranger and a workman. A stranger was entirely outside the operations; a workman was, to a certain extent, a partner in an enterprise, and to a certain extent he might be called upon to share the risk. On this ground, and on the ground that a principle which would involve so indefinite a liability would interfere with trade and enterprise, they had found themselves unable to accept it. The hon. Member for Stafford had not been over anxious to press his conclusion, and he had written a letter in which he had pointed out the nature and extent of the grievance of the workman, and had suggested that it should be met by making answerable for negligence not only the employer, but all those exercising a delegated authority. That modified view of the case was the one which they had endeavoured to meet by the Bill. The hon. Member for Hertford (Mr. Balfour) would also abolish the distinction between the workman and the stranger, and he would do it, not by elevating the workman to the position of the stranger, but

by depressing the stranger to the position of the workman. He would lessen the existing liability of the employer, and would not extend it in the case of the workman. No one but the hon. Member had been bold enough to support his view. One effect of that would be that the Railway Companies would be relieved from liability in respect of accidents; and he did not think the public would travel in peace of mind if they knew that they were deprived of the security furnished by the fact that a Company would have to pay a heavy penalty for injury due to negligence. The third proposal was the Bill of the Government, and what it did was to lessen a practical grievance. It was not possible to obtain finality in this or any matter; but if the Bill were passed the case for interference would be very much weaker than it was at present. Now, what real objection could be urged against the Bill as it now stood? The most serious was that urged by the hon. Member for Wigan—that it would encourage litigation. To lessen the risk of that the Government entreated the assistance of the House; and if there were any way in which the liability to litigation could be reduced, the Government would be glad to accept it. But the general argument was an argument against all concession of legal right, for, if there were no law, there would be no litigation. They could not have a legal remedy without opening the way to litigation. Whether, in practice, the amount of litigation would be as serious as was supposed he was inclined to doubt. One or two questions might arise; but as many decisions would settle them once for all. The probability of litigation had been immensely lessened, if not altogether removed, by the proposal to limit the maximum amount of compensation. The largest sum a workman could receive would not generally exceed £200, and in a vast number of cases it would be much less. No doubt, the employer would make an effort to come to some agreement; and as a sum of from £20 to £50 would represent the difference between the claim and the offer, it was not likely that sensible people on either side would waste the money that should go into the pocket of one party or the other. Whether the Bill would do anything to expose us still further to foreign

hon. Friend (Mr. Trevelyan), and he hoped the same success which attended a portion of the Resolutions moved some years ago would follow that now before the House. What he alluded to was a set of Resolutions, one of which was for the abolition of Purchase, which had been rendered unnecessary by being taken up by the Government of the day, and which had been moved by his hon. Friend and seconded by himself. The reforms which the hon. Gentleman proposed to carry out, and the abuses which he had pointed out in the great age of our generals, and the great number of them, were matters which had been pointed out over and over again, and still remained unreformed; and he thought, considering the opportunity presented to the country so excellently by the abolition of the Purchase system, it was not creditable to Parliament that it had not occupied itself since that time in making the necessary reforms. But there was a great obstacle to all reforms in the Army; and he felt satisfied that, strong as the right hon. Gentleman (Mr. Childers) was, he could not overcome the *vis inertiae* which prevailed at headquarters, which was at the Horse Guards under the old system, and was now at the War Office; while the Commander-in-Chief was not only a Royal, but a sort of life appointment. It was worse long ago, for not only was the Commander-in-Chief, but the Military Secretary as well, was a kind of permanent appointment. By agitation in the House they got rid of the Military Secretary, and got that office turned into a five years' appointment, and he was afraid there would be no genuine reforms in the Army until the Commandership-in-Chief was made a Staff appointment of the same five years' duration. He believed the Commander-in-Chief was a most excellent officer. He, no doubt, thoroughly understood the Army as, perhaps, no other man did; but he was prejudiced by belonging to the old school, and while he understood the Army he managed it in the old school way. He believed there would be no reform as long as the present system remained. There was another way in which that difficulty could be got over if the right hon. Gentleman would treat the Army government in another manner. There used to be a Lord High Admiral to manage the Navy; but that was so in-

convenient that it was abolished, and the Navy was put under a Board of Admiralty. Why not abolish the Commander-in-Chief, who bore the very same relation to the Army which the Lord High Admiral did to the Navy, and let the Army be put under a Board similar to what the Navy was put under? He believed under such a system, with younger men, they would have reforms which, without it, they could never have. His hon. Friend the Member for the Border Burghs had so completely covered all the ground that he would not detain the House long, or stand in the way of those military Gentlemen who wished to take part in the discussion. He should, therefore, only say a few more words, and those would be on the honorary colonelcies. The hon. Member had stated that the cost of them was £203,000. He understood that in 1871 the figure was £162,500, and he was sorry to find that the amount had increased by some £40,000 since that date. He had hoped that the amount had decreased; because he had seen that, time after time, certain regiments had been given to Royal Dukes. Now, he would like some little explanation about that, and he had no doubt the right hon. Gentleman knew how that increase had taken place. They were informed by Lord Cardwell that when several regiments were given to Royal Dukes they were only paid for one of them. Thus the Prince of Wales was paid £1,350 for the 10th Hussars, and the Duke of Cambridge £2,200 for the Grenadier Guards, while they were told that the other regiments they held were purely honorary. He wanted to know if that remained the fact now, and if the other regiments since given to those distinguished personages were entirely honorary. He found the Prince of Wales had not only the 10th Hussars, but also the Rifle Brigade; and the Duke of Cambridge had not only the Grenadier Guards, but the 17th Lancers, the Royal Artillery, the Royal Engineers, and the 60th Rifles. He wished to know if the whole of them were honorary. He believed they were, and he hoped that was the fact; but, in recent discussions, he had seen it stated otherwise in print; and he thought the facts of the case ought to be made known to the country. If they were honorary, he, for his part, hoped that before long the

Duke of Cambridge would get the whole of them. That seemed to him an easy way out of the difficulty. If the colonelcy of every regiment was given to the Prince of Wales or the Duke of Cambridge without pay, as an additional honour, as soon as it became vacant, they would in that way get rid of all that they complained of, and in a satisfactory manner. The hon. Member had spoken about there being no defence of the honorary coloncies by anyone; but he (Mr. Anderson) remembered very well that they had sometimes been defended by Lord Cranbrook—then Mr. Gathorne Hardy—who had stated that these positions were fair rewards for an honoured career, and that such prizes were given for long and high services. But if they were really so, it was rather a remarkable fact that so many of them went into the War Office or Horse Guards. In fact, they were entirely the result of a system of selection, and of a kind of selection that seemed to have become pure favouritism. That was one of the grounds on which he thought these appointments in the highest degree unsatisfactory; and he agreed with the hon. Member in thinking that the sooner the country got rid of them, and instituted some more satisfactory system, the better it would be for the Army. He had great pleasure in seconding the Resolution.

Motion made, and Question proposed,

“That steps should at once be taken to reduce the active list of generals to the point at which it is adequate, and no more than adequate, to the actual requirements of the service of the Country.”—(Mr. Trevelyan.)

COLONEL LOYD LINDSAY said, he had listened with great interest to the speech of the hon. Member for the Border Burghs (Mr. Trevelyan), and had closely followed up all the facts and deductions that had been adduced; but he entirely failed to see that he had succeeded in establishing his case. The hon. Gentleman began by drawing a comparison between foreign Armies—especially that of Germany—and our own; but he (Colonel Loyd Lindsay) must at once say that such comparisons were really of little worth, unless a similarity between the two cases could be proved; and it should be borne in mind that we had large Colonial possessions to watch over, where officers had to be constantly sent to fill important

appointments and carry out various duties in connection with those places. His hon. Friend went on to describe a state of things which, as a matter of fact, had entirely disappeared from our Service. He showed how, in former days, general officers who commanded regiments were men engaged in all sorts of business connected with the clothing and establishment of their respective corps; but his remarks on that head, though they might very well bear on the circumstances of 25 years ago, were in no way applicable, as hon. Members knew, to the present condition of affairs. At the present moment, the honorary colonels who had been denounced had nothing to do with the discipline or conduct of the regiments they commanded. What was their position? They were simply men in receipt of a pension for long and honourable past services in the Army, and nothing else. That was, in his opinion, the only defence which could be set up with regard to those colonelcies; and if they were abolished, what gain, he would ask, could be arrived at except an economic one? and he was unable, he confessed, to see how any such gain would arise. These general officers, who were borne on the Establishment of the Army, were receiving £450 a-year. Anyone looking at *The Army List* would find that they were borne on the non-effective side of the Estimates; and surely £450 a-year was no large pension for a man who had served, perhaps, 40 years in the Army. What, he would ask, was the position of an officer who had ceased to be in command of his regiment, his five years having expired? Reviewing his position, an officer so placed would find that if he retired he would receive as colonel £420 a-year, and the difference between that and £450 (the pay of a general officer) was only £30 a-year. Beyond that, it was, he thought, without doubt, very gratifying to such a man to be allowed to call himself general. If his hon. Friend desired, as he understood he did, to limit the number of appointments, and to lay down a rule that there should be only a certain number of general officers—as many as there were appointments to give away—the result of the adoption of his proposal would be to narrow the field of choice to such an extent that it would be impossible for the authorities to pick and

choose the men they would wish to select. Now, in every business in life, if a man desired to be master of the situation, it was better, he maintained, to have half-a-dozen persons from whom to make a selection than to be limited to one; and, as matters now stood, the Secretary of State had the whole list of general officers from whom to pick. If an officer retired, he had to consider that £420 a-year was his retiring allowance; but he might say to himself that he would rather run the risk of going on and taking the chance of becoming a general officer. Before he could attain to that he would have to wait, perhaps four, five, or six years, and what pay did he receive during all that time? Two hundred a-year; while supposing that he had retired as a colonel on £420, there was a distinct gain to the State of the difference between those two sums. His hon. Friend, he might add, in the comparison which he drew between our own and foreign Armies, did not say a single word about the Militia, the Reserves, or the Volunteers, nor give the House any idea of what the establishment of general officers for that large number of about 450,000 men would be. His hon. Friend made a great point of the age of the generals who served in the old days. But those days had now gone by; and though the services of young officers were very desirable, it should not be forgotten that some of the most successful generals of our times were advanced in years. What did his hon. Friend say to Moltke, Blumenthal, and Sir Colin Campbell, who was already old at the time of the Crimean war, but who still was subsequently selected to command our Forces in the Mutiny? Why, his hon. Friend, by his system of excluding men at 65 or 70 years of age, would have prevented these eminent men from rendering service to their countries. In our existing system, against which the proposals of the hon. Member were levelled, there were, no doubt, blots; but he maintained that it had on the whole worked satisfactorily, and it should, therefore, continue to have his support.

SIR HARRY VERNEY thought the real question for the House to consider in connection with the subject under notice was whether the Army was overpaid. He was of opinion, upon that point, that no comparison could be

made between our Army and that of any other nation, for the British Army did much more important and dangerous service, and received less pay, than any other Army in the world. Its circumstances were very different from those of the Armies of any other country, being liable to service abroad at any moment, whereas the Prussian Army resided in its own villages and in its own homes. For his part, he did not mind whether generals had pensions or regiments, but to bring the interests of the Service into account, he should prefer their having regiments, as the honorary colonels often did everything they could to benefit the regiments with which they were connected and to minister to their comfort. There was one great advantage in having a large number of general officers—namely, the advantage gained by having many men from whom to make selections. For general officers they wanted to be able to select young men, and he regretted that there were not more of them to choose from. No man could be more opposed than he to favouritism; and he was convinced that his right hon. Friend (Mr. Childers) would not fail to introduce many of the reforms in the administration of the Army of which it stood in need.

MR. CHILDERS said, he was sure the House would permit him to congratulate his hon. Friend (Mr. Trevelyan) on the instructive statement with which he accompanied his Motion. No one would appreciate that statement more than himself (Mr. Childers), because he could not help remembering the time when his hon. Friend stood shoulder to shoulder and side by side with him (Mr. Childers) at the Admiralty, to fight a question very similar to this, in going through the details of the very great reforms found absolutely necessary for the administration of the Navy; and for which, however great might have been the differences of opinion at the time, both as to principle and details, he believed they might now claim that it had been entirely successful, and that not only the Service generally, but the prospects of officers, had been greatly improved. For that reason, on whatever points he and his hon. Friend agreed or did not agree, he begged to thank him for having brought forward so manfully a great scheme of reform in connection with the higher ranks of the Army. He felt sure

Colonel Loyd Lindsay

sinecures in order to ease the burden of those whom the Purchase system had stripped bare of their property. But now Purchase has gone—has gone long ago; and all this mass of honorary offices, and this great overgrown list of generals, ought long ago to have gone with it. Since the day when I first asked the House, more than nine years ago, to stop the appointments to honorary colonelcies, no less than three-fourths of the present generals have obtained their promotion to the list, and have taken their place among the claimants for these offices. When the day comes for them to be abolished, as it surely will, heavy and grave will be the responsibility of the Parliament which, by rejecting the Resolution which is now submitted to it, entails such an immense and needless additional burden upon the Exchequer. The prospects of lieutenant generals and major generals who look forward to colonelcies should be accurately reckoned, and made good to them in the shape of pensions, immediate or deferred; but the injustice, for it is nothing less, of a system under which officials at the Horse Guards being allowed to draw, in addition to their salaries, these great sums of money which they themselves defend, upon the ground that they are pensions for meritorious officers, should be put a stop to now, at once and for ever. The right hon. Gentleman at the War Office is the man to do this. He it was who, by a well considered and most successful scheme, depleted the over full ranks of admirals and post captains in the Navy with advantage alike to the officers who went and the officers who remained. Let the right hon. Gentleman ascertain how many officers are wanted for actual employment; how many generals to command at Gibraltar and Aldershot, in India and in Ireland; how many lieutenant generals are required to command divisions; how many major generals to command brigades; just as the Lord Chancellor ascertains how many Judges are required in each section of the High Court. Then, having ascertained what the duties are, and having allotted an officer of the proper rank to each, let him allot to each officer an adequate salary. I am not one of those who think that a working major general is overpaid on £700 a-year, and 12s.

a-day allowances. And let nobody thenceforward be made or called a general, unless a general is wanted to do general's duties; and then let the fittest man be taken. Now that we have no longer got Purchase we must have selection. There is no real difficulty about it. Before Purchase was abolished the Duke of Cambridge came before a Royal Commission, and announced that he, as responsible head of the Army, did not feel equal to selecting lieutenant colonels to command battalions. But Purchase was abolished, and His Royal Highness found himself quite competent to appoint lieutenant colonels. So, if Parliament insists upon it, he will find the selection of generals no impossible task. The truth is that when the duties to which a man is promoted are real duties promotion almost makes itself, and the best man is sure to be selected. Let the Government give the country the 100 generals for whom it has work, and restore to the name of general the prestige which will accrue to it when it is a reality instead of being, as it so often is, a sham; and you will do as much to educate the public spirit and maintain the efficiency of the Army as, in the end, you will do to save the pocket of the taxpayer. And, when generals are past work, let them retire on a fair and certain pension proportioned to their rank. Two or sometimes even three deserving officers might be pensioned for the sum that now is consumed in addition to a salary by one man or another who is not a retired officer at all; by reducing the Active List of generals to what the Service required; and by retiring superannuated generals on a fixed and well-ascertained scale of pension, you will save to the nation an annual sum the capital of which will more than cover half the capital which was expended, and, wisely expended, in abolishing Purchase. That course is one which, as Englishmen solicitous for the condition of the Army, and as Members of Parliament who are guardians of the public purse, we are equally bound to take, and in the confidence that many present will agree with me, I beg to move the first Resolution of which I have given Notice, and, subsequently, if that is carried, the second.

MR. ANDERSON said, he had great pleasure in seconding the Motion of his

hon. Friend (Mr. Trevelyan), and he hoped the same success which attended a portion of the Resolutions moved some years ago would follow that now before the House. What he alluded to was a set of Resolutions, one of which was for the abolition of Purchase, which had been rendered unnecessary by being taken up by the Government of the day, and which had been moved by his hon. Friend and seconded by himself. The reforms which the hon. Gentleman proposed to carry out, and the abuses which he had pointed out in the great age of our generals, and the great number of them, were matters which had been pointed out over and over again, and still remained unreformed; and he thought, considering the opportunity presented to the country so excellently by the abolition of the Purchase system, it was not creditable to Parliament that it had not occupied itself since that time in making the necessary reforms. But there was a great obstacle to all reforms in the Army; and he felt satisfied that, strong as the right hon. Gentleman (Mr. Childers) was, he could not overcome the *vis inertiae* which prevailed at headquarters, which was at the Horse Guards under the old system, and was now at the War Office; while the Commander-in-Chief was not only a Royal, but a sort of life appointment. It was worse long ago, for not only was the Commander-in-Chief, but the Military Secretary as well, was a kind of permanent appointment. By agitation in the House they got rid of the Military Secretary, and got that office turned into a five years' appointment, and he was afraid there would be no genuine reforms in the Army until the Commandership-in-Chief was made a Staff appointment of the same five years' duration. He believed the Commander-in-Chief was a most excellent officer. He, no doubt, thoroughly understood the Army as, perhaps, no other man did; but he was prejudiced by belonging to the old school, and while he understood the Army he managed it in the old school way. He believed there would be no reform as long as the present system remained. There was another way in which that difficulty could be got over if the right hon. Gentleman would treat the Army government in another manner. There used to be a Lord High Admiral to manage the Navy; but that was so in-

convenient that it was abolished, and the Navy was put under a Board of Admiralty. Why not abolish the Commander-in-Chief, who bore the very same relation to the Army which the Lord High Admiral did to the Navy, and let the Army be put under a Board similar to what the Navy was put under? He believed under such a system, with younger men, they would have reforms which, without it, they could never have. His hon. Friend the Member for the Border Burghs had so completely covered all the ground that he would not detain the House long, or stand in the way of those military Gentlemen who wished to take part in the discussion. He should, therefore, only say a few more words, and those would be on the honorary colonelcies. The hon. Member had stated that the cost of them was £203,000. He understood that in 1871 the figure was £162,500, and he was sorry to find that the amount had increased by some £40,000 since that date. He had hoped that the amount had decreased; because he had seen that, time after time, certain regiments had been given to Royal Dukes. Now, he would like some little explanation about that, and he had no doubt the right hon. Gentleman knew how that increase had taken place. They were informed by Lord Cardwell that when several regiments were given to Royal Dukes they were only paid for one of them. Thus the Prince of Wales was paid £1,350 for the 10th Hussars, and the Duke of Cambridge £2,200 for the Grenadier Guards, while they were told that the other regiments they held were purely honorary. He wanted to know if that remained the fact now, and if the other regiments since given to those distinguished personages were entirely honorary. He found the Prince of Wales had not only the 10th Hussars, but also the Rifle Brigade; and the Duke of Cambridge had not only the Grenadier Guards, but the 17th Lancers, the Royal Artillery, the Royal Engineers, and the 60th Rifles. He wished to know if the whole of them were honorary. He believed they were, and he hoped that was the fact; but, in recent discussions, he had seen it stated otherwise in print; and he thought the facts of the case ought to be made known to the country. If they were honorary, he, for his part, hoped that before long the

Duke of Cambridge would get the whole of them. That seemed to him an easy way out of the difficulty. If the colonelcy of every regiment was given to the Prince of Wales or the Duke of Cambridge without pay, as an additional honour, as soon as it became vacant, they would in that way get rid of all that they complained of, and in a satisfactory manner. The hon. Member had spoken about there being no defence of the honorary coloncies by anyone; but he (Mr. Anderson) remembered very well that they had sometimes been defended by Lord Cranbrook—then Mr. Gathorne Hardy—who had stated that these positions were fair rewards for an honoured career, and that such prizes were given for long and high services. But if they were really so, it was rather a remarkable fact that so many of them went into the War Office or Horse Guards. In fact, they were entirely the result of a system of selection, and of a kind of selection that seemed to have become pure favouritism. That was one of the grounds on which he thought these appointments in the highest degree unsatisfactory; and he agreed with the hon. Member in thinking that the sooner the country got rid of them, and instituted some more satisfactory system, the better it would be for the Army. He had great pleasure in seconding the Resolution.

Motion made, and Question proposed,

“That steps should at once be taken to reduce the active list of generals to the point at which it is adequate, and no more than adequate, to the actual requirements of the service of the Country.”—(Mr. Trevelyan.)

COLONEL LOYD LINDSAY said, he had listened with great interest to the speech of the hon. Member for the Border Burghs (Mr. Trevelyan), and had closely followed up all the facts and deductions that had been adduced; but he entirely failed to see that he had succeeded in establishing his case. The hon. Gentleman began by drawing a comparison between foreign Armies—especially that of Germany—and our own; but he (Colonel Loyd Lindsay) must at once say that such comparisons were really of little worth, unless a similarity between the two cases could be proved; and it should be borne in mind that we had large Colonial possessions to watch over, where officers had to be constantly sent to fill important

appointments and carry out various duties in connection with those places. His hon. Friend went on to describe a state of things which, as a matter of fact, had entirely disappeared from our Service. He showed how, in former days, general officers who commanded regiments were men engaged in all sorts of business connected with the clothing and establishment of their respective corps; but his remarks on that head, though they might very well bear on the circumstances of 25 years ago, were in no way applicable, as hon. Members knew, to the present condition of affairs. At the present moment, the honorary colonels who had been denounced had nothing to do with the discipline or conduct of the regiments they commanded. What was their position? They were simply men in receipt of a pension for long and honourable past services in the Army, and nothing else. That was, in his opinion, the only defence which could be set up with regard to those colonelcies; and if they were abolished, what gain, he would ask, could be arrived at except an economic one? and he was unable, he confessed, to see how any such gain would arise. These general officers, who were borne on the Establishment of the Army, were receiving £450 a-year. Anyone looking at *The Army List* would find that they were borne on the non-effective side of the Estimates; and surely £450 a-year was no large pension for a man who had served, perhaps, 40 years in the Army. What, he would ask, was the position of an officer who had ceased to be in command of his regiment, his five years having expired? Reviewing his position, an officer so placed would find that if he retired he would receive as colonel £420 a-year, and the difference between that and £450 (the pay of a general officer) was only £30 a-year. Beyond that, it was, he thought, without doubt, very gratifying to such a man to be allowed to call himself general. If his hon. Friend desired, as he understood he did, to limit the number of appointments, and to lay down a rule that there should be only a certain number of general officers—as many as there were appointments to give away—the result of the adoption of his proposal would be to narrow the field of choice to such an extent that it would be impossible for the authorities to pick and

choose the men they would wish to select. Now, in every business in life, if a man desired to be master of the situation, it was better, he maintained, to have half-a-dozen persons from whom to make a selection than to be limited to one; and, as matters now stood, the Secretary of State had the whole list of general officers from whom to pick. If an officer retired, he had to consider that £420 a-year was his retiring allowance; but he might say to himself that he would rather run the risk of going on and taking the chance of becoming a general officer. Before he could attain to that he would have to wait, perhaps four, five, or six years, and what pay did he receive during all that time? Two hundred a-year; while supposing that he had retired as a colonel on £420, there was a distinct gain to the State of the difference between those two sums. His hon. Friend, he might add, in the comparison which he drew between our own and foreign Armies, did not say a single word about the Militia, the Reserves, or the Volunteers, nor give the House any idea of what the establishment of general officers for that large number of about 450,000 men would be. His hon. Friend made a great point of the age of the generals who served in the old days. But those days had now gone by; and though the services of young officers were very desirable, it should not be forgotten that some of the most successful generals of our times were advanced in years. What did his hon. Friend say to Moltke, Blumenthal, and Sir Colin Campbell, who was already old at the time of the Crimean war, but who still was subsequently selected to command our Forces in the Mutiny? Why, his hon. Friend, by his system of excluding men at 65 or 70 years of age, would have prevented these eminent men from rendering service to their countries. In our existing system, against which the proposals of the hon. Member were levelled, there were, no doubt, blots; but he maintained that it had on the whole worked satisfactorily, and it should, therefore, continue to have his support.

SIR HARRY VERNEY thought the real question for the House to consider in connection with the subject under notice was whether the Army was overpaid. He was of opinion, upon that point, that no comparison could be

made between our Army and that of any other nation, for the British Army did much more important and dangerous service, and received less pay, than any other Army in the world. Its circumstances were very different from those of the Armies of any other country, being liable to service abroad at any moment, whereas the Prussian Army resided in its own villages and in its own homes. For his part, he did not mind whether generals had pensions or regiments, but to bring the interests of the Service into account, he should prefer their having regiments, as the honorary colonels often did everything they could to benefit the regiments with which they were connected and to minister to their comfort. There was one great advantage in having a large number of general officers—namely, the advantage gained by having many men from whom to make selections. For general officers they wanted to be able to select young men, and he regretted that there were not more of them to choose from. No man could be more opposed than he to favouritism; and he was convinced that his right hon. Friend (Mr. Childers) would not fail to introduce many of the reforms in the administration of the Army of which it stood in need.

MR. CHILDERS said, he was sure the House would permit him to congratulate his hon. Friend (Mr. Trevelyan) on the instructive statement with which he accompanied his Motion. No one would appreciate that statement more than himself (Mr. Childers), because he could not help remembering the time when his hon. Friend stood shoulder to shoulder and side by side with him (Mr. Childers) at the Admiralty, to fight a question very similar to this, in going through the details of the very great reforms found absolutely necessary for the administration of the Navy; and for which, however great might have been the differences of opinion at the time, both as to principle and details, he believed they might now claim that it had been entirely successful, and that not only the Service generally, but the prospects of officers, had been greatly improved. For that reason, on whatever points he and his hon. Friend agreed or did not agree, he begged to thank him for having brought forward so manfully a great scheme of reform in connection with the higher ranks of the Army. He felt sure

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that the debate, whatever their individual opinions or the intentions of the Government might be, could not but be beneficial and helpful to those who, sooner or later, would have to deal with the question. His hon. Friend would, perhaps, allow him to say that it would, however, be rather hard upon those who were now responsible for the administration of the Army, if it were held that on the spur of the moment, when the Government had not been two months in Office, it was their duty to take steps for greatly reducing the list of generals, or to put an end altogether to the appointment of honorary colonels, and commence from the present month a totally different system from that now in existence. That would not be a reasonable proposition. What he should, in reply, endeavour to do was to show in what respect he felt himself bound to agree with his hon. Friend in the principles which he had laid down, and in what respects his views were open to considerable question. He should then indicate what course the Government had intended to follow, irrespective of the Motion his hon. Friend had brought forward, and he would appeal to his hon. Friend to say whether or not he considered the Government were pursuing the right path. He must ask the indulgence of the House, considering the enormous mass of complicated questions which he and his advisers found unsettled when they took Office, if it should be thought that they were not proceeding so rapidly as could be wished. There might be some appearance of slowness; but he might speak for himself, and he thought also for his Colleagues, that when they had once made up their minds they would not hesitate to carry their plans into effect. But it must not be forgotten that those who had held responsible positions like the charge of the great Services had to balance considerations of a very delicate character; and in the case before the House there were especial considerations to be borne in mind, as affecting both the feelings and claims of those who devoted their lives to their country. The Government felt it incumbent on them to proceed with caution and deliberation. He thought his hon. Friend had failed to realize some of the essential facts of his case. He had referred to the perfect organization of the German

Army. That organization had involved enormous labour on the part of its authors, and there was much for us to learn from it. But, at the same time, he must remind his hon. Friend that the conditions of the Service were totally different from those which existed in the English Army. Germany had no India and no Colonies; her Armies could never have occasion to go more than 500 or 1,000 miles from her frontier. She was, essentially, a compact Power, both in respect of her internal and external requirements. The requirements of the English Administration extended from pole to pole and all round the world; probably over a greater distance than had ever been subject to any Power, unless it were Spain under Charles V. and Philip II. That was a valid reason why the German Army could not be taken in all respects as a model for us, and why it was by no means easy to adopt the proposition of his hon. Friend to follow her in fixing the number of generals. But he must say he did not understand where his hon. Friend got his figures from. He could not accept their accuracy. His hon. Friend had given the number of general officers on the Active List as 600; but that was not correct. He (Mr. Childers) had before him statements of the actual number of British general officers, whether in connection with the Army proper, or the Indian Staff Corps, and under no possible arrangement could he see there were 600 Generals on the Active List of the Army. The number was very considerably less than that. Perhaps the House would allow him to state what the present arrangements of the Army were as to the numbers of general officers, and the nature of the emoluments, whether they were called pay, pension, or salary. Now, the state of things appeared to be these. There was a List which was called the Establishment of General Officers. That consisted of a body of 292 general officers of Cavalry and Infantry in England, and 50 general officers of Artillery and Engineers; but it was contemplated by the Warrant of 1877 to reduce the number 292 to 200. The Artillery and Engineers were intended to be left as at present. That was, strictly speaking, what might be called the Active List of general officers, and it was supplemented by the Retired List of general officers under the War-

rant of 1877. He must admit that he thought it was in many respects a curious anomaly that the general officers on the Active List and the body of retired general officers under the Warrant of 1877 received precisely the same emoluments. In either case it was £450 a-year, and in either case the general might receive at some future time £1,000 a-year in the shape of some honorary colonelcy. But there was no question but that this was a very remarkable anomaly; and he was bound to say that, in his opinion, it was quite indefensible in principle. His hon. Friend who moved the Resolution had clearly defined what a pension ought to be, and none of the conditions of a pension were to be found in the case with which he was dealing. In fact, all the arrangements in this respect were curious and anomalous, and, in his opinion, had nothing to justify them but their antiquity. He would also admit that the arrangement for the pay of general officers seemed to him almost as anomalous. A colonel, when he reached that position, had the option of either taking a pension of £420 a-year, with the ordinary rank of general, or remaining in the Service on pay at the rate of £200 a-year, hoping some day to succeed to the establishment of general officer. When he attained the establishment he received a rate of pay which never altered, whether he became a lieutenant general or a full general; but waited on in the hope that a vacancy on the list of honorary colonelcies would provide him with £1,000 a-year. It was quite true that in awarding honorary colonelcies he believed the Army universally felt that the Commander-in-Chief very wisely exercised his discretion, and with great fairness. But both as to progressive pay, and as to the system of pension, he was bound to admit that, in his humble judgment, the view expressed by his hon. Friend (Mr. Trevelyan) was precisely the view on which the great reform was introduced at the Admiralty which had worked so well; and it was a view which they ought to take into consideration in any arrangement affecting the superior officers of the Army. He would go a little further. With respect to what his hon. Friend had said in reference to the size of the list, it was, no doubt, the case that the late Government followed gene-

rally the advice of the Royal Commission; but, in one respect, the Government went very much beyond the Report. There was to be a considerable reduction in the list of general officers; but, instead of taking full advantage of the large retirement for age, the Government had filled up the vacancies, creating an enormous promotion in 1877, and left to their successors the disagreeable task of gradual reduction. Whether that was a wise arrangement or not was not for him (Mr. Childers) to say—it was a matter which had passed, and could not be re-considered now. The Report of the Royal Commission made mention of honorary colonelcies, not defending them in principle, but stating that the system was not unpopular; and they also pointed out that disqualifications which might apply to active service would not apply in time of peace, and that it would be erroneous to regard the Establishment as if it were only composed of officers who were intended for active service. He had always regarded that Report as having added very greatly to their knowledge, and guided them satisfactorily to many changes which had to follow the abolition of Purchase; but he was bound to admit that, in his opinion, the Commission did not give sufficient time to the consideration of the proper position of the Establishment of general officers. He would not blame the War Office, because the changes which were recommended and effected by the Commission were so vast and the difficulty so great; but the full deliberation which it deserved had not yet been given to the important question of the proper construction of the Active List of generals. He did not think, for instance, that it was in consonance with what they had found to be advantageous of late years that the Active List should consist of persons admittedly not fit for active service. He would sum up with three or four suggestions. He thought it was well worthy of consideration whether it would not be advantageous to the Public Service to carry the change effected in 1877 by the construction of the Retired List a good deal further, so that the Active List should more nearly represent the numbers of officers really competent for active service, and should bear a nearer relation to such number as might be required, not only in time of peace, but

also in time of war. In that respect, they ought to take time and care to see how far they could move in that direction; and also, they should, as soon as possible, and with a due regard to vested interests—which the hon. Gentleman himself was anxious to respect—see whether it would not be possible to abandon the anomalous system which made the emoluments of officers on the Retired List the same as those of the Active List, and which left open to the one as to the other that enormous jump from £450 to £1,000, the latter sum being one many officers for a long time on the Active List or on the Retired List never attained. His hon. Friend had referred to the arrangements that had been made in the Navy. He (Mr. Childers) did not say that those arrangements ought to be literally copied. But they must remember that the depletion of the Active List of the Navy was effected not only by the limit of age, but by that most important condition which it was, in the first instance, somewhat difficult to carry out—namely, that officers should, after a certain period of non-service, be compelled to retire. That was the most effective weapon for keeping the Service in an healthy condition. The half-pay of a rear admiral was the same as that of a major general on the Establishment—about £450 a-year; but the pay of a vice admiral was nearly £600 a-year, and the pay of an admiral was something over £750 a-year, while the lieutenant generals' and generals' remained a constant quantity. So, also, the retired pay of a rear admiral averaged £600 a-year, that of a vice admiral £750 a-year, and that of an admiral £900 a-year. He hoped the House would encourage and assist the Government, if they should find it practicable, to apply a similar system to the Army—a system which would, in time, get rid of the colonels of regiments, except as honorary officers connected as such with the regiments to which they had belonged, and would be so adjusted as not to disappoint the legitimate expectations of those who were on the major generals' list. Of one thing he was perfectly certain. The Royal Commission of 1876 said that the only justification of the present arrangements in the Army was to be found in the fact that they were not unpopular; and he was certain that if they adapted to the Army the

system in the Navy to which he had adverted, it would not be unpopular, provided that great pains were taken to respect vested interests. In that case, he felt sure that such a reform as he had indicated would be beneficial to the Service. He, therefore, hoped that the House would accept the statement he had now made as an earnest of a genuine intention on the part of the Government to do what they could to put the future arrangements as to the appointment, the promotion, the number, and the retirement of general officers of the Army on a satisfactory footing. His hon. Friend knew as well as he (Mr. Childers) what were the difficulties which they had to go through at the Admiralty, and the complexity of the details of the settlement there. All this would have to be gone through in regard to the Army; and he trusted that his hon. Friend would admit that his statement showed their earnest desire to grapple that subject, and to proceed with it in the direction which had been approved by Parliament in the case of the sister Service. If his hon. Friend, and those who thought with him, would leave to the Government the task of seeing with what details and conditions such a change as that should be effected, he would probably not deem it necessary to pledge the House in the words of his Resolution to an immediate alteration, which it would be impossible to carry out without very considerable difficulties, and also without injury to the Service, but which, if accomplished with discretion and after due inquiry, would, he believed, be acceptable alike to the House, to the Army, and to the country.

LORD EUSTACE CECIL said, he understood that his hon. Friend the Member for the Border Burghs (Mr. Trevelyan) had advocated a scheme of reform that deserved considerable attention; but he (Lord Eustace Cecil) must admit, from his own official experience, that there was much to be said in favour of the right hon. Gentleman opposite (Mr. Childers) refraining from taking the subject in hand at once, because there were a great many questions connected with the Army still pending, and likely to be pending for several years; and it was hardly fair, therefore, to expect that the right hon. Gentleman should have already made himself

master of all those questions, and should have been able during the short time he had held his present Office to give the House a complete idea of any scheme of reform which he might hereafter propose. He (Lord Eustace Cecil) understood that the hon. Member for the Border Burghs had drawn a comparison between our Army and foreign Armies; but in looking at the list of generals in foreign Armies, he thought that that hon. Member had only obtained the list of those who were actively employed. When, however, they compared the number of generals in our Army with the number in foreign Armies, it should be remembered that, whether the system was bad or good, tradition had long established the custom of amalgamating the generals of all branches of our Army together; and it was only since the War-rant of 1877 that what was called a Retired List had been placed in *The Army List*, so that those generals who were ineffective from age were put aside by themselves. He admitted that a re-arrangement of the list would be desirable; but that was, after all, a matter of detail. As to the number of generals, his right hon. Friend said, and said truly, that the hon. Member for the Border Burghs did not state the number correctly. The list of generals, said the hon. Member, was as many as 600. In 1878 the number, no doubt, was 632; but he (Lord Eustace Cecil) looked into *The Army List* for June, 1880, and found that the number had dropped down to 476. As to the question of economy, the hon. Member for the Border Burghs thought that by some arrangements he might save certain portions of that rather miserable sum—something like £300,000 a-year—that they paid to general officers. When they compared the pay of general officers with the emoluments of the Law, the Church, or several other Professions, he thought that £400 or £600, or it might be £1,000 a-year for an honorary colonelcy was not, after all, too much to be received by a man who had been in the Service 30 or 40 years, and who, perhaps, had been wounded in the service of his country. The hon. Member for the Border Burghs might wish to abolish honorary colonelcies; but he did not believe that the hon. Member wished to abolish pensions. He believed the hon. Member wished to see an Active List—that there should not be anything further than a re-arrangement

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of the present system. The question as to certain allowances which were received by illustrious and distinguished personages who had to deal with our Army was a very delicate one. Whether the actual sum they received was too much for the work they did he must leave to Ministers of the Crown to decide. He thought there should have been a little more consideration on the part of hon. Members who looked with a certain amount of jealousy upon some honorary colonelcies held by illustrious Princes in this country; but he thought that those hon. Members ought to inquire into the facts, and consider them more carefully, before they referred so publicly and invidiously to the offices and emoluments of these illustrious personages. If it could be shown that the pay and pensions which the latter received were more than the duties they discharged entitled them to, they, he was sure, would be the first to offer to resign these emoluments. He could only repeat that whenever the right hon. Gentleman brought forward his promised reforms they would be considered on that side of the House without prejudice; and he hoped they would be just and characterized by a spirit of fairness.

MR. TREVELYAN, in reply, said, he should not trouble the House with many remarks on the criticisms which his views had undergone. The right hon. Gentleman at the head of the War Office (Mr. Childers) had spoken with courtesy, and he thought also with wisdom and thorough knowledge of the Department over which he presided, in what he had said; but he (Mr. Trevelyan) could not concur in the remark he made to the effect that the Resolution was somewhat premature. So far as the right hon. Gentleman was concerned, it certainly was not. It was 10 years ago that Purchase was abolished, so that there was little ground for alleging the Resolution to be premature; and he did not think it was premature as regarded the public feeling on the subject. The right hon. Gentleman had called in question some of his (Mr. Trevelyan's) figures; but there could be no doubt that England and India, one year with another, were now spending £750,000 annually on their generals, and only 63 were employed, so that each really cost the country £12,000 or £12,500 a-year. The answer of his right hon. Friend was

satisfactory to his mind. He gathered from it that the honorary colonelcies were going. That was the necessary corollary from the re-arrangements which they were told were to take place between pay and pensions. What he was still more interested in, however, was this—that henceforth the rank of general should imply that certain duties were to be discharged by the officer who held it, and that he should be taken by seniority, and not by selection. That was enough for him. And as to promotion by selection, not by seniority, he took leave to draw the inference that when the list of generals was only adequate to the performance of the duties of generals, the officers on that list would be promoted by selection. After the speech of the right hon. Gentleman and the feeling which the House had manifested, he felt he should not be justified in asking for a division, and he left the subject with the most perfect confidence in the hands of the Government.

GENERAL BURNABY said, he would say, with reference to the remarks of the hon. Member for Glasgow (Mr. Anderson), that the Commander-in-Chief had most important duties to discharge, and it would be most unfortunate if his tenure of office was limited to the term of five years. The Duke of Cambridge, abstracting himself from all other avocations, had devoted himself to the welfare of the Army. So far from being prejudiced, he was opposed to change for the mere sake of change, it was true, but there was no man who was a stronger advocate for all those rational and well-considered measures which the lapse of years and altered circumstances had necessitated. He was an officer endeared to the Army and trusted by the nation, and it would be extremely unwise to limit the tenure of his office as proposed. The hon. Member who brought forward the Motion (Mr. Trevelyan), he might add, had left entirely out of account the Militia and Volunteers, who, with the Regular Army, constituted a body of something like 500,000 men ready at any moment, to say nothing of another 500,000 who had passed through the ranks, many of whom, no doubt, could be raised, and who would require to be officered.

Motion, by leave, *withdrawn*.

MAINTENANCE OF MAIN ROADS.

RESOLUTION.

MR. R. H. PAGET, in rising to call the attention of the House to the expense of maintaining Main Roads, and to move—

“That, in the opinion of this House, it is not just that the cost of the maintenance of Main Roads should be wholly and entirely borne by the Local Rates,”

said, that a Petition on the subject, very numerous signed, had been presented from the county of Somerset, in which it was alleged that, owing to the abolition of turnpikes, a grievous burden had been thrown on the agricultural interest for the purpose of keeping the roads in repair; and he hoped the Government would not lightly set aside the claims of Petitioners to be heard because those claims were urged with moderation.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. R. H. PAGET resumed. He held in his hand a Return which showed that there were 10,000 miles of main roads, which were maintained at an expense of £300,000—an average of £31 per mile—while the mileage of roads not main roads was 57,000, and the average cost per mile £14. The main roads were intended for the benefit of the community, and without them the ordinary commercial enterprizes of the country could not be carried on. The burden of maintaining them, however, fell solely upon the ratepayers, who justly held that they were aggrieved. When the turnpike system was in vogue the burden of maintenance was borne by the public at large; but, by the abolition of the system, the burden, to the extent of £500,000 a-year, was transferred to the shoulders of the ratepayers—in other words, partly on the owner and partly on the occupier. That, he contended, was unjust and unreasonable. The question was, Who was to pay for the maintenance of the highways? It would be said that the proper persons to pay were the landlords. That was one of the stock arguments which were always being brought forward. But it was an argument which ought at once to be thrown aside. The Amendment which had been brought forward

was no Amendment at all. It was said that the cost of maintaining the roads ought to be borne by the occupiers. But that position was entirely untenable. Then it was said that there ought to be a division of the rates. But he felt sure that no relief would be obtained in that way. He thought that no satisfactory settlement would be reached until they reverted to the principles which were adopted in earlier days, when all who used the roads were made to pay for their maintenance and repair. Those principles were laid down in a well-known Statute, the 43rd Elizabeth, which provided that the liability to pay should be in proportion to the ability to pay. Everybody had to supply labour for the maintenance of the roads with horses and carts, and, if he had no horses or carts, with personal labour. Hon. Gentlemen opposite were much interested in the Land Question, and were, many of them, anxious to create a peasant proprietary; but, in the present state of things, the burdens on land were so great that nobody would be anxious to take them upon his shoulders. He wanted to draw attention to one fact—the progress of personalty and realty. They were both progressing year by year; but while realty—land and houses—was making steady advances, personalty was advancing by leaps and bounds. Now, what he maintained was this—that, in view of the these facts, every Chancellor of the Exchequer should carefully consider the adjustment of taxation, and should maintain it without considering how it affected these two classes of property. Under the auspices of the late Government advances were made in aid of local taxation; but the new charges had absorbed the whole of the recent subventions. He pointed out these evils; it was no part of his business to find a remedy; but there were more ways than one of meeting the evil. One was the method of subvention out of Imperial funds, with which they were all familiar. Then there was the Bill which had been laid on the Table for the establishment of a horse tax, in order to create a fund in aid of the roads. It had also been suggested that the assessed taxes should be thus employed. It had further been suggested—a suggestion which he was inclined to think the most feasible—that the dog tax should be handed over to

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the local authorities in aid of the maintenance of roads. A few years ago the Commissioners of Inland Revenue recommended—what was now practically carried out—that the dog tax should be collected by the county police. Moreover, in Ireland, the dog tax was handed over to the local authorities, and that was a precedent entirely in point. The amount of the dog tax received in 1878 was £371,000, and a Return made up to Lady Day in the next year brought it up to £422,000. The allocation of a tax which might be collected in the country and applied to country uses, as was done in Ireland, would be a fit mode of meeting a just and reasonable claim. The Highway Act had had the effect of introducing a classification of roads, and if the State singled out the main roads as entitled to such a contribution for their maintenance they would be found ready to its hand. In conclusion, he might say that the grievances of the English farmers were not urged with the vehemence with which those of their brethren in the sister Island were often put forward; but they ought not on that account to receive less consideration from the House, for there was no question to which attention was so much turned in the rural districts as the one included in his present Motion. This question should not be pooh-poohed. The farmers of the country asked, not for favour, but for justice. They would be found among the most loyal of the people. “These burdens,” they said, “are new; they were imposed at a time when we were afflicted, and we have a right to ask that these things should be carefully considered.” This was no imaginary grievance. The demand was moderate, and he had urged it temperately. He begged to move the Resolution of which he had given Notice.

Motion made, and Question proposed,

“That, in the opinion of this House, it is not just that the cost of maintenance of Main Roads should be wholly and entirely borne by the Local Rates.”—(*Mr. Richard Paget.*)

MR. J. R. YORKE said, this question was, as his hon. Friend (Mr. R. H. Paget) had stated, one of great and ever pressing importance. Most county Members on that side of the House, who had to attend Vestry and other meetings of their constituents, in the course of the Recess,

must have remarked what very great importance appeared to be attached to the subject in the minds of their rural constituents. He could only say, for himself, that whereas foreign affairs were in a troubled condition, and Members of Parliament sometimes addressed harangues, treating of Eastern and other foreign questions to their constituents, their remarks on those subjects fell comparatively flat on the ears of the audience, compared with the avidity with which they listened to any allusions to agricultural questions, and more especially when they treated of the highway grievance. That, he thought, was the experience of almost all of them; and they felt very strongly that the Session ought not to pass by without a new Parliament and a new Government having their attention directed as forcibly as possible to the pressing importance of this question. His hon. Friend had narrated, with great accuracy, the history of the question. There was no doubt that turnpikes, for some time past, had been felt to be a doomed institution. Whatever their merits, and, as his hon. Friend very properly said, they were constituted on the principle that those who used roads should pay for them, and that they should pay for them just in proportion to the amount in which they used them, still they were, to a certain extent, an anachronism, dating back to the time when road traffic was much more important, before the introduction of railways, and when the relative cost of collection was nothing like so great as at present. When the cost of collection, in some cases, amounted to something like 30 per cent on the total receipts, it became evident that an institution such as that of turnpikes could no longer be reckoned among the permanent institutions of the country. Well, the way in which this matter first came before the public was in consequence of the injustice and the hardships of the piecemeal disturnpiking of roads. Every year most of the country Members had applications made to them, from districts scheduled, for disturnpiking by the Turnpike Committee, and every year some victims were selected for a termination of their precarious existence. The Turnpike Committee in 1877 made a Report, which showed the embarrassment which they experienced in dealing with those matters. They said the circumstances

of the several trusts varied so much that it was impossible to apply any one rule. In some districts the turnpike road formed a thoroughfare between two populous towns, and almost assumed the character of a street, large sums being paid out of the tolls for lighting and watering. They continued—

“In such cases, and where no agricultural district intervened, your Committee had no difficulty in recommending that the Trust should be discontinued. But no greater cases of prospective hardship in parishes came before your Committee than where a line of road, with a very heavy mineral traffic, between two towns, or to and from a railway station, passed for a considerable distance through agricultural parishes.”

And the next sentence was important, because they said—

“Whatever may be the provision for other parts of the country, it seems to your Committee that some general provision will have to be made to meet the cases.”

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after
Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, 7th July, 1880.

MINUTES.]—SELECT COMMITTEE—*Report*—Law of Libel (1879) referred to Select Committee on Law of Libel.
PUBLIC BILLS—*Ordered—First Reading*—Parliamentary Disqualification * [259]; Turnpike Acts Continuance * [260]; Epping Forest * [261].
First Reading—Universities of Oxford and Cambridge (Limited Tenures) * [256]; Universities and College Estates Act Amendment * [257]; Great Seal * [258].
Second Reading—Sea Fisheries (Ireland) [135], *negatived*; Agricultural Holdings (England) Act (1875) Amendment [138], *debate adjourned*.
Select Committee—Report—South Western (of London) District Post Office * [227-262]; Wild Birds Protection Law Amendment (*recomm.*) * [253]—R.P.
Considered as amended—Local Government Provisional Orders (Fleetwood, &c.) * [199]; Pier and Harbour Orders Confirmation [175]; Tramways Orders Confirmation (No. 1) * [173]; Tramways Orders Confirmation (No. 2) * [174].

Third Reading—Inclosure Provisional Order (Clent Hill Common) * [217]; Land Drainage Provisional Orders (Frodsham, &c.) * [207]; Taxes Management * [242], and *passed*.
Withdrawn—Local Government Areas (Commission) * [157]; Hours of Polling (Boroughs) * [134].

ORDERS OF THE DAY.

SEA FISHERIES (IRELAND) BILL.

(Mr. Collins, Colonel Colthurst, Mr. William Corbet, Mr. T. P. O'Connor, Mr. Blennerhassett.)

[BILL 135.] SECOND READING.

Order for Second Reading read.

MR. COLLINS, in rising to move that the Bill be now read a second time, said, he proposed to justify the measure by showing, as he hoped to the satisfaction of the House and the Government, that it was a subject that was entitled to attention and sympathy, not only because it seriously affected the welfare of a numerous class of persons in Ireland, but because it had considerable national importance, probably to a greater extent than a superficial view of the subject would seem to indicate. The main feature of the proposal was the establishment and organization of a Board of unpaid Commissioners in Ireland, who would be willing to give their time and attention to the subject in the hope of reviving the industry. It was true there was a body of Fishery Inspectors, who, for zeal and intelligence, and for their desire to promote the objects that they had been appointed to take care of, had few equals in any Department of the State; and the people of Ireland and those who took an interest in the subject were grateful to them for the able Reports which they had published since their constitution in 1869. They did not propose to interfere with the operations of that body; but the fact was that their powers were so limited, and the means at their disposal so inconsiderable, that, practically, they were able to effect no good beyond the good of restraining abuses and of circulating the able Reports to which he had made reference. The first feature of the measure was the establishment of a Board or a body of unpaid Commissioners. He did not wish to stipulate the number, and only desired that the principle might be adopted. Such a Board as the one they desired

had already been in existence in Scotland for a considerable time past; and it would, no doubt, be interesting to the House to hear what was reported by the Commissioners appointed to inquire into the operation of that Board. The unpaid Scotch Board consisted of 20 unpaid Commissioners and one paid Secretary. The Commissioners report—

“That the members of the Board have rendered important service in assisting for a long period of years in the development of this branch of national industry, and it is impossible to doubt the social and moral advantages which may and do result to this class of people—namely, the fishery class—from the attention bestowed upon their welfare by the body of eminent persons, distinguished by their rank, position, and knowledge, who are constantly endeavouring to obtain and disseminate information useful to those employed in the fisheries, to encourage their enterprise, to stimulate their industry, and to promote their physical and moral welfare.”

That was the kind of Board they sought to establish in Ireland. In 1819, an Act was passed appointing a Board for the management of the Fisheries in Ireland, and investing its members with considerable powers. This Board consisted of 20 unpaid Commissioners, one Secretary, three clerks, four Inspectors general, and 20 local Inspectors. Mr. W. Andrews, in a very interesting Paper on the subject of the Herring Fisheries in Ireland, which he read before the Royal Dublin Society, 1866, said—

“It is singular to remark the effect of these laws on the Irish Coast. In 1819 there were only 27 vessels and 188 men returned as employed in the Irish Fisheries; in 1823 there were 27,143 vessels and boats, employing 44,448 men.”

The Board continued in existence 11 years; and in the last Report issued in 1830, Mr. Barry, the Inspecting Commissioner of Irish Fisheries, who was well known to all who took an interest in Irish fishery matters, reported that the period of the operations of the Board was a period of unexampled industry and prosperity for the Irish Fisheries. After 11 years of its action there were 12,611 vessels employed in the Fisheries, and 64,771 men and boys. It was only right to state, however, that the success of the Fisheries during that period was not to be strictly attributed to the fact of having an unpaid Board of Commissioners, for a powerful stimulus was given to the industry in the shape of a bounty on the take of fish. Neverthe-

less, he was warranted in attributing a certain amount of the success to the services of the Commissioners, and he would take the benefit of the circumstance with this qualification. Next, after making provision for the constitution of a Board of Commissioners and the appointment of officers, the present Bill proposed to hand over to the Commissioners the inconsiderable but useful fund called the Irish Reproductive Loan Fund. With regard to that fund, which had been vested with the Commissioners of Public Works to be expended on the recommendation of the Irish Fishery Commissioners, he wished to say that when the then Chief Secretary for Ireland handed it over to be applied to the promotion of Irish Fisheries, he stated that it was merely a tentative proposal, and that, no doubt, it would lead to further and greater results. The Bill proposed to supplement the fund by the very modest sum of £30,000. He should prefer that the amount was £100,000 at least. In the four years during which the fund had been administered from 1874 to the date of the last Report issued by the Inspectors of Irish Fisheries, he found that altogether, owing to the restricted character of the regulations applying to this loan, only 1,078 loans were issued, amounting to £19,352, or an average of about £18 per loan, and there was available during the last year for the purposes of advances the small sum of only £6,741, for which there were 945 applicants. Now, he asked them to supplement that fund by £30,000, leaving it to the generosity and sense of justice of the right hon. Gentleman to increase the amount very considerably of his own motion. The increase he (Mr. Collins) proposed would admit of about 2,000 annual loans on the same computation as the existing fund. The next proposal of the Bill he looked upon as one of the most important—namely, the transference to the Commissioners to be constituted by this Bill of the care and custody of the fishery piers and harbours now vested in the Commissioners of Public Works (Ireland). He asked, moreover, that the inconsiderable sum of £20,000 a-year be intrusted to the new Board in aid of the erection, improvement, and enlargement of fishery piers, either by way of grant or loan. Without some such provision for the construction and maintenance of fishery

piers, no permanent improvement could be made in Irish fishery enterprise. He was glad to see that the Government were directing their attention to this important subject, and had already proposed to grant £45,000, which would be only a commencement in the direction he indicated. It was possible that some opposition might be offered to some of the money proposals of the Bill, as being opposed to certain economic principles with which some persons might delude themselves by misrepresenting facts, and justifying such misrepresentation on some theory of political economy. But if he could succeed in overcoming such opposition by his statements, he would have some hope that good would result, which might in time develop itself into something much better than the limited measure which he now brought forward. He asked the Government to appropriate from the Imperial Exchequer a sum of money to be applied by way of advances in loans to persons engaged in fishing industries in Ireland. The sea coast of Ireland was computed to reach 2,500 miles in length, measuring bays and inlets. It embraced throughout its length numerous excellent harbours, some of them being capacious and well-sheltered, but grievously neglected. The people along this great range of sea coast were inured from their childhood to hardy habits of life which only vicinity to the sea could teach; and all were willing, men and women, to work if aid were afforded them to utilize their labour. The question might be asked—“What have the people themselves done to profit by such resources, and to improve their own condition?” The answer was simple and the explanation easy. In 1846 there were 113,000 men and boys engaged on the fisheries. The great Famine of the following year swept away the greater part of these poor and industrious people; and the result was that the Fisheries had gone on decreasing until, according to the last Report of the Fishery Commissioners, the number of boats engaged had been reduced from 20,000 to 5,700, and the number of men and boys from 113,000 to something like 20,000—that was to say, the active and industrious fishery population of Ireland had been greatly reduced by disasters over which they had no control. To Irishmen that was a most terrible and regrettable state of things. They

found this great national industry, so appropriate to the country, dying away. There might be theories as to the causes of this; but they did not recognize those theories. They looked at the fact, and grieved over it. Among other books that had lately come under his notice was a little work published in 1868 by the hon. Member for Waterford County (Mr. Blake), who was second to none in the interest he had taken in the subject. In that little book, called *The Sea Fisheries of Ireland*, and addressed to the then Chief Secretary, the hon. Member remarked—

“By those who thoroughly understand the subject, it is anticipated that the assertion will not be deemed too bold that if the immediate cultivators of the Irish soil—and 988,927, or 18 per cent of the population, according to the Census of 1861, were returned as agricultural—were deprived of it as a means of support, they might in time, under intelligent direction, derive as good a livelihood from the river shores and surrounding seas of Ireland.”

This showed the vast importance of the subject, and the benefits to be derived from attention to it. The yearly value of the fish exported from Ireland amounted to about £500,000; but they had the authority of the intelligent Inspectors of Fisheries for believing that that sum could be very considerably increased—in fact, they had stated that it could be increased ten-fold. That might be an exaggerated estimate; but, at all events, it could be very largely increased if fishermen could procure the necessary appliances with the aid of moderate loans. In 1870, the first year after his hon. Friend (Mr. Blake) had applied his energy and talents to the subject, the Commissioners said in their Report that—

“No improvement can be looked for in the sea fisheries until loans are advanced to a portion of the fishermen for the repair and purchase of boats and gear.”

On such a statement, coming from such authority, any comment of his would be superfluous. They had it also on authority that £7,000,000 was paid annually for fish in London alone, and an equal amount in the Provinces, making the quantity consumed in England yearly worth £14,000,000. If they could increase the supply from Ireland, not to 10 times its present amount, as estimated by the Commissioners, but to six times, or £3,000,000, what a benefit it would be to the working classes by reducing the price and giving them an ad-

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ditional supply of a cheap and wholesome food, which at present costs double as much as it did 20 years ago! But there was another argument in favour of giving Imperial aid to promote Irish Fisheries. It was well known that great difficulty existed in providing a sufficient number of effective men and boys to navigate the merchant ships of the United Kingdom. We had about 200,000 men and boys, exclusive of captains and superior officers, employed in our merchant ships, and the utmost efforts were required to keep up a really efficient supply. Might he not point to the decline of the Irish Fisheries as one of the causes which increased the difficulty of finding good seamen? Twenty-three years ago, there were 113,073 seafaring men and boys engaged in those fisheries; to-day, there was only about one-sixth of the number, or 20,307. It was natural to suppose that a large percentage of the men and boys employed in the Fisheries would be annually available for our merchant ships. He had known some of the first captains navigating the seas to have been humble Kinsale fisher-boys; but by their ability and good conduct they had taken the highest place. He hoped he had said enough to show that this was a matter of Imperial importance, entitling it to the prompt and earnest attention of the Government. He would remind the House that the industries of Ireland were mainly confined—first, to her agriculture and such manufactures as were employed in converting the raw products of agriculture into articles of consumption; secondly, to her internal and external commerce, which was inconsiderable; thirdly, to her inland and deep-sea fisheries; and, fourthly, to her railways, which could not properly be called industries, but conduced to them by affording expeditious and cheap means of transit. The natural conditions of the country imposed upon Ireland considerable industrial limitations. The two great constituents of manufacturing industry—iron and coal—were not found in sufficient quantity in Ireland. He might observe that the export from Great Britain of iron, steel, and cotton manufactures, in the production of which coal and iron formed an important constituent part, amounted to nearly one-half of the total exports of the United Kingdom. The industries existing in Ireland bore but a small pro-

portion to those of Great Britain. The products of agriculture were little over £40,000,000 annually; but some of the raw products of agriculture furnished materials for such native manufactures as linen, whisky, malt liquors, and flour. He trusted that, owing to the proposals of the Chancellor of the Exchequer, in his Customs and Inland Revenue Bill, the manufacture of beet-root sugar might soon be added. If they could supplement those industries by encouraging the congenial and appropriate pursuit of fishing, they would contribute to the employment and welfare of the people; but he feared the necessary aid could only come from the Imperial Exchequer, under the authority of Parliament and the sanction of Government. Surely a moderate appropriation for the development of the Fisheries in the shape of loans, and for the construction of piers and harbours, would not be an unwise application of the National Funds, to which Ireland contributed so burdensome a proportion. He submitted that Ireland was not a difficult country to govern when its circumstances and wants were generously considered. But, unfortunately, they had not been considered, to any great extent, in a spirit of earnestness and generosity. Probably too much time and attention had been devoted by politicians who had governed the country to Party interests and considerations; but his belief was that any Government that would earnestly apply itself in the spirit he had indicated to practical measures of utility for the purpose of benefiting the industries of Ireland would be appreciated, and such measures would meet at all times with kindly recognition. They were most fortunate—it was one of the great blessings of the immediate time—in having the right hon. Gentleman the Chief Secretary connected with the administration of affairs of Ireland. He was a man of practical business experience, of wide views, and who would not be trammelled by the narrow prejudices which theorists or economists might advance for the purpose of tying the hands of the Government, and preventing them doing anything in the interests of the country. They might confidently anticipate that the right hon. Gentleman, with his kindly sympathies, and his desire to do good, would do his best to promote this and other Irish in-

terests. He asked the right hon. Gentleman whether it would not be worth his attention to listen to Irishmen who, one and all, desired that Government should aid the Fisheries? Would the right hon. Gentleman be content to let them die out, as they had been doing, or would he enable them to support 1,000,000 of the people, as the Member for Waterford County said they were capable of doing? In this matter no question arose of landlords' rights or tenants' wrongs. Instincts and migratory laws, beyond the ken of human intelligence, guided the shoals of fish into the harbours, bays, and inlets of Ireland. He only desired that the people should be enabled to profit by those blessings which Providence had placed at their disposal; and if Government would grant reasonable aid, they would do a good, a generous, and a laudable work, for which the people would be grateful. He had great pleasure in moving the second reading of the Bill.

COLONEL COLTHURST said, that in seconding the Motion of his hon. Friend he should confine himself, in the few observations he should make, to three of the recommendations made by the Commission of 1870, presided over by his hon. Friend the Member for Waterford, and their operations in the county which he (Colonel Colthurst) represented, and which contained, perhaps, the largest seaboard of any county in Ireland. The first of these recommendations was that loans should be advanced to fishermen for the purpose of obtaining boats and gear; and as one fact was worth a bushel of theories, he hoped to show by the instance of the Island of Cape Clear the effect which a system of loans judiciously administered would have upon the prosperity of Ireland. He derived his facts from a Catholic clergyman of the diocese of Ross, who had long taken a great interest in the fishing industry, and who was curate of Cape Clear in 1874. In that year the population of Cape Clear was 450, who nearly all derived, or ought to have derived, their subsistence from fishing. But they had only seven small hookers on the Island, with which they could do little. To add to this unfortunate state of things, in some years 500 fishing vessels would come in sight engaged in their annual mackerel fishing off the coast. The value of fish taken at Cape Clear

amounted at that time to about £400 in a year. There was no harbour, and the fishermen were obliged to drag the hookers on to the beach when they ran in, or send them somewhere else, to land their slender catches. His rev. informant being a man of great energy and ability succeeded, in 1876, in inducing one of the Islanders, named Patrick Burke, to borrow £150 from the Munster Bank on the security of his landlord, Sir H. Beecher, and he obtained a further loan of £100 from a charitable society in Dublin. With this money the man bought a large boat, went out in 1877 mackerel fishing, and in three months earned £500, or more than the whole population of the Island had earned in any one of the preceding years. His success induced three other men to ask for loans, Sir H. Beecher being kind enough to go security for them in the Munster Bank; and they were earning a considerable sum of money until, in March, 1878, a storm dispersed and damaged more or less some 300 boats engaged in the mackerel fishing, amongst them being the four boats of the poor Cape Clear Islanders. Well, it seemed then as if their prospects were gone for ever, when there came to their aid Baroness Burdett Coutts, a lady whose name was known wherever the English language extended in connection with works of charity and beneficence. She had long taken an interest in the Island, and she not only enabled these four poor men to replace their boats, but she assisted others with loans of money without interest, payable in a series of years. In taking this course she appealed to that spirit which some persons denied to the Irish peasantry—namely, that of self-reliance, but which he believed they possessed, requiring only for its development a little judicious assistance. In this season of 1880 nine boats were engaged from Cape Clear, and they had already earned £4,000, or six times as much as was earned by the whole population in a year previously. He did not expect that the Government, represented as it was even by one so anxious to do good as his right hon. Friend the Chief Secretary, would give the same assistance as the Baroness Burdett Coutts had given. All he maintained was that the principle of loans at low interest or without interest would be fertile in good results to

the fishermen of Ireland. The testimony of the Commissioners to the benefit of loans and of the Reproductive Loan Fund Act, which the efforts of his hon. Friend the Member for Limerick had succeeded in getting passed through the House, was very important. It showed that the Act had been successful as far as it went. The loans had been well used, and, in spite of the present bad times, had been more or less punctually repaid. The Commissioners recommended certain changes with respect to the construction of piers and harbours—for instance, that the choice of the situation should not be left entirely, as it was now, to people residing in the locality, and should not depend on the circumstance that local aid was forthcoming. By the Bill of his hon. Friend the Board which he sought to establish would have a wider discretion than the Board of Works now had; and if it should appear that on any part of the coast there were not piers enough, they might send down an Inspector, who would decide where the piers should be put. He felt bound to say that within the limits of their power he believed the Board of Works were doing their duty, and it was only fair to say that much of an undermanned and over-worked Department. Taking the line of sea coast from Crookhaven to Bantry Bay, extending about 60 miles at least, there was not within that distance a single pier or slip; and there was a large population, especially on the north shore of Dunnannis Bay and the south side of Bantry Bay, engaged in fishing, who year after year lost their boats, and were thus entirely deprived of their means of subsistence for want of a pier. In the County of Cork alone 17 piers were wanted, and had been submitted to the consideration of a Committee now sitting. He hoped that some, if not all, would be sanctioned by the Committee. But some that were most wanted were likely to be left out because of the absence of local interest. They had only just been subjected to the views of the Committee. In these places, where there was a large population but no local aid, people were losing their boats year after year, and their entire means of subsistence, by the want of piers and better approaches to the harbours. Take the case of Cape Clear in reference to the harbour approaches. An immense fishing industry had been

developed; but how were the fish to be got to the railway station at Skibbereen? Why, after the steamers had taken it up to a certain point in the River Ilen, they had to unload it into carts, which to get to the railway station had to travel over a very hilly road. If the Island river were improved at a small cost the steamers could go a mile further up, and get better roads to the railway station. Then he would allude to the Island of Ballycotton. There was a pier there; but it was not properly constructed, and he would remind the House that if they would consent to alter this state of things they would be able to make Ballycotton a harbour of refuge. In conclusion, he suggested that the word "barony" should no longer exist in Ireland, and have but one unit in the county, and that should be the Union, a plan which would be a great relief to the taxpayer. He also desired to see stationed on the coast vessels for the protection of the Fisheries, as was done off the coast of Scotland, and observed that if the Government consented to this proposal recent disputes leading to a collision between Trammel fishermen and trawlers, owing to the latter being accused of injuring the inshore fishing of the former, would have been easily settled.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Collins.*)

MR. BLAKE remarked that, after the exhaustive speeches of the hon. Member for Kinsale, who had moved the second reading of this Bill, and of the hon. and gallant Member who had seconded that Motion, very little remained to be said on the subject. For the 14 years he (Mr. Blake) had occupied a position in the House he had always taken great interest in all matters affected by the Bill of his hon. Friend the Member for Kinsale; and, having been a Fishery Commissioner for 10 years, he could corroborate all that the hon. Member had said, and, with the permission of the House, he would supplement his hon. Friend's remarks by a few additions. He differed on two points from his hon. and gallant Friend the Member for the County Cork (Colonel Colthurst), and thought the sum asked for was insufficient. A sum of £45,000 had been granted towards repairs and purchase of

boats, and providing fishing implements for eight counties; but there were nine other coast counties that this sum would not reach, and, in his opinion, £150,000 or £200,000, by way of loan, would be necessary to put the Fisheries of Ireland upon a proper footing. Now that the land had become so unproductive and that foreign produce had come into such active competition, they were bound to utilize to the utmost every resource that was not fully developed. The seas around Ireland were a mighty farm, where there was neither rent or taxes to pay—room for all—and a rich recompense for those who toiled on it. There were four points which arose in conjunction with this question. First, what was the present condition of the Irish Fisheries; second, were they capable of being improved; third, what would be the best means of improving them; and, fourthly, would the result of the improvements be commensurate with the outlay? He thought that the four points could be answered most satisfactorily, and that the outlay would be fivefold in its results. There were 2,500 miles of coast line to Ireland, the greatest coast line except Scotland. Holland had only one-half the coast line of Ireland, and 150 years ago it produced £3,000,000 worth of fish yearly, which supported one-fifth of its whole population; and there was no doubt that the Fisheries of Ireland, if properly developed, would produce far greater results. Centuries ago these Fisheries had been described to the then reigning Sovereign of England as a mine of wealth, and Charles I. had received £30,000 from the Dutch, and in 1556 Philip II. of Spain paid £1,000 a-year to England for permission to fish on the North Coast of Ireland. At a request of the English fishermen, Oliver Cromwell had put down the Irish Fisheries; and at this day there were at Barbadoes fishermen descendants of those Irish fishermen who had been transported to that Island. The present value of the Irish Fisheries was £700,000 a-year; and he had no hesitation in saying that the produce might be increased at least five times that much, that it could be increased to quite £300,000,000; thus causing a greater source of profit, and adding immensely to the food of the people. How was this desirable result to be accomplished? The Irish

fishermen ought to be afforded the means of procuring suitable boats, of obtaining the best implements of their craft, and accommodation of harbours, to which they could fly in times of danger, as well as place their boats in safety when not engaged in fishing. On the West Coast of Ireland, especially, a great deal of life was lost for the want of such harbours of refuge; and their absence caused the men, in uncertain weather, to remain at home in a state of enforced idleness. He thought that £300,000 or £400,000 would be necessary to meet all the requirements of the Irish Fisheries; but, in the first place, £150,000, partly loan, would be of great value. With a loan of this amount, a supply of a better class of boats, such as trawlers and other kinds, could be obtained, which otherwise would be out of the question. Experience had shown that small fishing enterprizes in Ireland were more successful than larger ones. From the £45,000 that had been lent under the Irish Reproductive Loans great results had followed, and £50,000 or £60,000 more might have been satisfactorily laid out. If the Treasury advanced that sum at 2½ per cent, the loss would be recouped by an increased consumption of articles of Customs and Excise, including whisky, also, he was afraid, among the fishermen. At present, there were applications for 100 harbours, of which the Commissioners recommended between 50 and 60. These could not be constructed for less than £150,000. For some years past, owing to some cause difficult to ascertain, the fish got further out, and, in consequence, larger and better boats were necessary to follow them, and so a better class of harbours was required, if such boats were used. It was only natural to ask why the fishermen of Ireland were so badly off as compared with those of Scotland, and why there was no such fishing enterprize as in Scotland? There was no class of people in Ireland who had suffered from the Famine so much as the fishermen. Many of those who before the Famine had followed the pursuit had been obliged to abandon it, and had not been able to resume it. In 1846 there were 100,000 fishermen and 20,000 boats; but, at the present, there were only 2,000 boats and 5,000 fishermen. In the Famine years the use of fish amongst the Irish peasantry, with the then staple diet, In-

dian meal, caused dysentery, and fish, for the time, ceased to be eaten. Owing to this and their inability to keep boats and gear in repair, thousands of fishermen had to abandon the pursuit. The fishermen and the trade had never recovered since. In some places the Fisheries had been almost entirely annihilated. No aid had been given in loans till five years ago. The right hon. Gentleman the Member for East Gloucestershire (Sir Michael Hicks-Beach), then Chief Secretary for Ireland, stated when he introduced a Bill for the purpose that he regarded it as a tentative measure, and, if it succeeded, the Government would feel justified in making further advances. The plan had proved a great success. A new impetus was given to fishery industry, and they had the concurrent Reports of the Irish Fishery Commissioners that the results had been most satisfactory. He, therefore, confidently appealed to the Chief Secretary to carry out the promise which had been made by the late Government—he hoped he would do, at least, as much as would have been done by his Predecessor. It had been contended frequently that the principle of giving loans to foster an industry was opposed to the principles of political economy. But, on the contrary, he could prove, from statements made by John Stuart Mill, the late Earl of Derby, and the present Postmaster General, that that was not the case. There was nothing in which Ireland had a stronger claim on Parliament than for the encouragement of her Fisheries. Scotland, since the Union, had received £1,500,000 more than Ireland for her Fisheries. Scotland received until a few years ago £7,000 annually for this purpose, while Ireland received only £3,500 down to the same period. Scotland had, in fact, got all she required, and her Fisheries were most prosperous. In 1838 a Bill was brought forward in that House to put Ireland on a par with Scotland. That Bill had the sympathy and support of most of the English Members, and it had the unanimous support of the Irish Members. But a deputation came up from Scotland, headed by the Duke of Sutherland, which reported that great injury would be done to the Scotch Fisheries if that was done, and the result was that the Bill was withdrawn. At present Scotland had got a valuable Fishery Board

in Edinburgh, with paid officials and inspectors; and, besides that, they had a magnificent vessel to preserve order among the fishing vessels, and to discover where the shoals of fish might be; while, if Ireland wanted a gunboat, it was so long before it was sent that the necessity for it had gone before it got there. Year after year the Irish Inspectors had asked in vain for a similar vessel for Ireland. In France, under the Empire, if a fisherman lost his boat, it was immediately replaced, and a considerable grant was made towards the fishing interests, the consequence being that the fishing trade of the country added to its wealth, and most of the sailors got their first training in fishing boats. That was also the case in Norway, where great assistance was given to the trade. In Holland the Government had devoted great attention to the Fisheries in former times. The Dutch Fleet which sailed up the Thames was manned chiefly by fishermen, and the Dutchman who had invented the Dutch bloater had done more for his country than any man either before or after him. He also wished to draw attention to the fact that, at the present time, there was a great need of seamen for the Mercantile Marine, and so much so that we were obliged to resort to foreign countries for our men. If they put the fishing industries of Ireland in a proper condition, they would find a large addition would be made to the Mercantile Marine from that body. It was well worthy of consideration whether, as a nursery for seamen alone, the Irish Fisheries had not a paramount claim to the encouragement of the Government. He earnestly and confidently appealed to the Chief Secretary either to assent to the second reading of that Bill, or give his assurance that the Government would bring in a measure on the subject of a similar character. All the Irish Members, from the most Orange of the orange to the greenest of the Green, were united in support of this Bill, and every possible assistance would be given to the Chief Secretary if he took it up. There never was a more magnificent opportunity for the Government to do so much for so little; and he did not think that there was any civilized Government on the face of the earth, save that of England, that would have looked on so long without affording the

means of relief. It would be a great discredit to England if, while the Governments of Sweden, Holland, and France had done so much to promote their Fisheries, those of Ireland were allowed to decay for want of sufficient fostering care. He hoped that the Government would show that the Irish Members did not require Home Rule to be carried out in order to develop their resources. The Chief Secretary might rely upon that if only the principles embodied in that Bill were carried into effect, he could ere long have the satisfaction of seeing a valuable but neglected resource converted into a great and flourishing industry.

SIR JOHN ST. AUBYN remarked, that as to any encouragement to be given to the Irish Fisheries, he should leave that in the hands of the Chief Secretary; but that was not the whole point of the Bill. There were numerous clauses relating to the regulation of the Fisheries. The hon. Member for Kinsale (Mr. Collins) had pointed out that the number of boats engaged in the Irish Fisheries had been reduced to nearly one-fourth what it was in 1847, and that the number of those engaged in the Fisheries had been reduced to nearly one-sixth of those engaged at the former period. But he had not mentioned the fact that the number of men who went from this country to Ireland for the purpose of fishing had not decreased, but had increased. The 11th and 17th clauses in the Bill, in which bye-laws were enacted for the regulation of fishermen of an extremely stringent character, and licences were required of those who fished on the Irish coast. These clauses ought to be considered by those who represented English constituencies as well as those who represented Ireland; and he thought their restrictive character was not warranted. At present fishermen from Cornwall, Norfolk, and the Isle of Man frequented the Irish coast, while, on the other hand, Irish boats fished the English coast. He suggested to the promoters of the Bill that both the clauses to which he referred should be struck out, and that the Bill should be confined to the encouragement of the Irish deep sea fisheries alone.

MR. T. P. O'CONNOR said, that he objected altogether to the endeavour to establish any analogy between the case of the Cornwall Fisheries and that of the

Irish Fisheries. In Cornwall there were a large number of capitalists who were willing to embark their capital in the fishing trade. In Ireland they had no such local capitalists, and the business was one which required a considerable amount of capital. £2,000 was required for the necessary equipment to carry on the business in anything like an efficient manner. It was evident that the Cornwall fishers were so rich themselves, and were so helped by local capitalists, that they did not require the help of the State. The pilchard fisheries of Cornwall were originally established by fishermen from Ireland; and even at the present day there were amongst the Cornish fishermen O'Sullivan's and O'Briens, and he was not sure that there were not men of his own name. Irishmen had thus taught the Cornishmen the trade; and, now that they were trying to get some of it back, he trusted that the hon. Member for Cornwall (Sir John St. Aubyn) would not interfere. In times gone by, too, grants and bonuses were given for the encouragement of the Cornish Fisheries. It was, therefore, ridiculous for those who represented Scotch and Cornish constituencies to come there and say they did without grants, when the original impetus of their trade came from the bounty system which they were now condemning. The present Bill did not advocate anything like the bounty system, as had been stated more than once. They did not want one shilling to be given in the shape of grant or bounty to the Irish fishermen. They wanted that loans should be given to them on good security. He represented a constituency where the distress had been very great, and where the recent loans had been decided upon. Applications were made on behalf of the people of Barna, an industrious, frugal, and energetic body of men, for no less than £20,000 to the Fishery Commissioners. They could not meet that arrangement, as they had only £1,400 with which to do it. £20,000 might seem a large sum; but as there were 1,400 fishermen in the district it was something less than £20 each—not so large a sum with which to purchase nets and other equipments for the fishing trade. A friend of his, Mr. Francis Ward, had written to him to the following effect on the subject of securities:—

Mr. T. P. O'Connor

"I have gone security for some fishermen in Barna for loans from the Fishery Commissioners; so did my brother, and so did also, I believe, Father Carolan, the parish priest. I have not been called upon in any case to pay anything owing to the failure of any of those for whom I went security, nor have I heard of anyone else."

When proposals were advanced on a former occasion the great objection alleged was that nets and such things were so perishable that they did not offer adequate security for the loans; but the letter of Mr. Ward showed that in no case had the people failed to meet their honest engagements. His hon. Friend the Member for Waterford had also made advances to the extent of £1,500, and in no single instance did the loan remain unpaid. He thought that was an encouraging sign, and ought to induce the Chief Secretary to accept the principle of the Bill. He did not see how it could be refused when, in cases where loans had been given, the results showed that they could be given with the most perfect security. He trusted the Government would allow the Bill to pass a second reading.

Mr. SYNAN hoped that the present Government would be more liberal in their action towards Ireland than the late Government. It was somewhat unfortunate that such a Bill as that before them should be brought so late in the Session, when, even if it was accepted, there was not much chance of it becoming law, looking at the state of Public Business. In 1874 a Resolution passed by the House upon a Motion brought forward by him declaring that the decay of the Irish Fisheries called for the immediate attention of the Government, demanded the application of remedies recommended by the Report of the Royal Commission and Select Committees which had investigated the subject, and pledged the House to support any well-considered measure that might be introduced on the subject. How did the late Government carry out that Resolution? It seized upon a miserable charitable fund in Ireland, and gave the Fishery Commissioners of Ireland the power of lending money out of the fund to the Irish fishermen, and it was now asked that a further sum of £30,000 should be handed over to the Commissioners for the same purpose, and for piers and harbours. The late Government had pledged itself to various

things if political movements were stopped, but made no grant in the direction now asked for. The present Government, however, would, he hoped, be willing to carry out a proper scheme for the assistance of industry in the country. The hon. Member for Cork City (Mr. Parnell) proposed a grant of £260,000 from the Irish Church Fund for the purposes of building piers on the sea coast. He thought at the time of that proposal that it was a scheme which Her Majesty's Government should have carried out by a grant from the Imperial Treasury, and not by the use of a fund which should be kept for the purposes for which assistance from the Imperial Treasury could not be obtained. The fishery industry should be sustained and encouraged by grants from the Imperial resources; and, notwithstanding what had been said elsewhere and what had since occurred, he still held that opinion. The matter had been dealt with in the most exhaustive manner by the hon. Member for Waterford (Mr. Blake), and there was no one so competent to give assistance to the House on the present subject of Irish Fisheries. That hon. Member had argued that it would be but paltering with the question if the Government were to give less than £150,000 for the construction and repair of piers and harbours in Ireland, besides making substantial loans to Irish fishermen to enable them to carry on their calling. The causes of the failure of the Irish Fisheries was well known, and was brought about by a former famine, which swept away the fishermen; and the boats, therefore, decreased in numbers or were rendered useless. No encouragement was then given to the fishing industry, and no help had been bestowed for the development of the industry. Reference had been made to Norway as being in the same position to Sweden as Ireland was to England. There were, however, important distinctions between Norway and Ireland. The former possessed a Legislature of its own, the latter did not; and, therefore, if the Imperial Government did not now do its duty in this respect it would be a ground of condemnation. It was quite unnecessary to refer to any authority out of the House who might be competent to speak upon the question; but he would refer to the present Postmaster General, whose

knowledge was well known on the subject, and who had refuted the argument that Ireland possessed energy and capital of its own for the purposes of developing the trade. How could it be supposed that a starving people could act on principles of political economy and advance loans. The question of bounties which had been raised should be put out of consideration altogether. It was used by the opponents of this measure and similar measures; but the Irish people did not wish to return to that old system. They had asked for loans to the fishermen in the West, with a condition of repayment at a fixed rate of interest. There was no Member in the House more ready to meet the English and Scotch Members in the objections which had been raised by them than himself. He would, for one, be ready to make some concessions; but it should be remembered that the Bill had been brought forward solely for purposes of relief of Irish fishermen. He now hoped his right hon. Friend the Chief Secretary would deal with the subject in a liberal spirit when he spoke on the principle of the Bill; and if he did so, he could assure the right hon. Gentleman that the Irish Members would not be too hard in their terms nor too exacting in their criticism of his proposals, which he trusted would be sufficiently broad, liberal, and large for the purposes required, and would not be conceived in the same petty and shabby manner in which they had been by the late Government.

MR. BELLINGHAM observed, that his constituents were deeply interested in the Bill; and he hoped it would therefore meet the approval of Her Majesty's Government. According to the last Report of the Fishery Commissioners there were numerous localities round the coast of Ireland where large supplies of fish could be obtained, but where the facilities and appliances for securing those supplies did not exist. It was not the will to reap this abundant harvest that was required by the Irish fishermen; they had the will, but they had not the power. The coast of Louth—the county which he had the honour to represent—was greatly exposed to storms, and the fishermen suffered great hardship and danger from the want of proper piers and harbour accommodation. They were most anxious to develop the fruits of

the occupation in which they were engaged, and it was most important that they should be encouraged to do so. In connection with the herring fishery which was largely carried on along the Irish coast, he might mention that at Kilkeel during a recent fishing season there were 200 English, 43 Scotch, and only 75 Irish fishing boats; at Greenore in 1878 there were 22 Irish, 20 Scotch, and 8 Isle of Man fishing boats; at Warrenpoint 50 Irish, 15 Scotch, and 105 Isle of Man boats. These were surely facts sufficient to warrant any Government, not blind to the duty it owed the people, to do something for the encouragement of an industry which, in a poor country like Ireland, might prove an exceedingly great blessing. If the Government gave them that encouragement he felt that a great blow would be given to Irish poverty—that in the counties bordering on the sea a great incentive to industry would be given, and that numbers of poor people would be saved from a condition of starvation. Herrings cured at present in Ireland sell at much higher prices than can be obtained for the highest brand of Scotch herrings, and the prices obtained for the herrings caught on the East Coast of Ireland in summer, and sold fresh in Ireland, Glasgow, and Liverpool, were a great deal in excess of the prices obtained by fishermen in Scotland by their contracts. Another point he would urge on the consideration of the Government was the appointment of unpaid Commissioners, because there was no doubt that unpaid Commissioners would look after the interests of the locality in which they resided and had themselves an interest, better than paid Commissioners. County Louth was not one of the counties under the Reproductive Loan Fund; the operation should be extended so as to include it, and thus facilitate the promotion of piers and harbours.

MR. VILLIERS STUART said, he did hope the Bill would receive the hearty support of the Government, for surely it was the duty of any good Government to do all in their power for the welfare of the country under their rule. It had already been pointed out that one of the most valuable resources of Ireland were her Fisheries; and that they were very valuable was proved by the way in which they were appreciated by fishermen from other countries. The

hon. Baronet the Member for West Cornwall (Sir John St. Aubyn) had alluded to the fact that the Cornish fishing boats went over to the coast of Ireland to such an extent that he regarded with considerable interest the provisions of the Bill as being likely to affect his constituents. He might observe, in passing, that the clauses of the Bill to which the hon. Baronet had referred were intended only to save life. The object was to provide that fishing boats, which went out for deep sea fishing, should be well found, and that the lives of those on board them should be protected as far as possible. As he had observed, the fact that the Cornish fishermen went over in great numbers to the Irish coast showed how valuable those Fisheries were. He lately saw Youghal Harbour absolutely crowded with boats from the Isle of Man—boats which were splendidly equipped, and which were reaping a golden harvest. Now, it was a melancholy thing that while those Manx boats were taking loads of fish from the coast, the poor native fishermen were obliged to look on, and see the harvest gathered from their very doors by strangers. There was no helping hand to enable them to gather it in; and thus they were obliged to see their own fish, so to speak, carried away from the country. The fact was that, surrounded as Ireland was with valuable fisheries, the men had not boats and nets to take the fish. In former times they would have been able to borrow money from the banks; but one of the misfortunes of the present crisis was that the credit system had broken down, and that resource was thus lost to them. Indeed, since the failure of the City of Glasgow Bank, not only had the banks, which formerly would have made advances, rushed into the opposite extreme, and kept their money as tightly as possible, but the tradesmen were in a half-bankrupt state, and would not let their goods go, except for ready money, which these poor men had not got. If they were enabled to go out and have a turn at those shoals of fish, which he heard at the present moment were off the coast, it would render them independent for 12 months to come; but as things were, it was much to be feared that, unless something were done—in fact, it was quite certain they would be left perfectly destitute when the winter came,

Mr. Bellingham

and would be thrown upon the Relief Fund. Moreover, besides the loss to the fishermen, the inland population were also losing the important resource of the cheap and abundant supply of food which ought to be furnished to them from the Fisheries. He found in the Bill now before the House a clause which would exactly meet the difficulty, and which presented a favourable opening to the Government to show that they were in earnest in the professions that they had made of a friendly interest in the welfare of Ireland, and of a sincere desire to do the utmost that they could to remedy any grievance that she suffered under. It had been said that England's difficulty was Ireland's opportunity; but the converse was also true that Ireland's difficulty was England's opportunity, and the present moment was such a golden opportunity of winning the goodwill of the people of Ireland by coming forward to help them in a generous spirit. There never had been a time when it was more important to give Ireland a helping hand. The usual sources of credit were cut off, and the country was reduced to the greatest state of want and destitution. Both landlords and tenants were in difficulties, and could do nothing to help themselves; and, therefore, the English Government had the greatest possible excuse for coming forward, and, even at the risk of trespassing upon the rules of political economy, rendering a generous assistance to Ireland. The Government had already done for Irish farmers the very thing which he hoped they would consent to do for the Irish fishermen. The Seeds Bill, which the late Government supported, had been of the greatest service to the farmers of Ireland. But for that Bill hundreds and hundreds of farms would have remained unproductive; but its assistance had afforded the one bright gleam of hope that they had in the prospect of a bounteous harvest. Well, the sea was the fisherman's farm, and nets were to the fisherman what seeds were to the farmer; and, therefore, he hoped that, if only for the sake of that clause which dealt with loans for gear, this Bill would be accepted. Clause 27 of the Bill provided that—

“Whereas it is expedient that loans should be made to fishermen engaged in deep sea fisheries, in order to enable them to provide suitable boats, nets, and gear, such loans should be made under the superintendence of Commissioners hereby appointed.”

And Clause 29 provided—

“That, for the purpose of enabling the Commissioners to make such loans, it shall be lawful for the Commissioners of the Treasury, and they are hereby required, within one month after the passing of this Act, to advance out of the Consolidated Fund £30,000, to be applied by the said Commissioners in making such loans.”

Now, surely that was a very small and moderate demand. It was a very modest petition that they were making to relieve the fishermen all round the coast by providing that small sum. A book had been placed in his hands by his hon. Colleague in the representation of Waterford—of which book that hon. Gentleman was the author—in which mention was made of the loan that was advanced in 1848. The present crisis approached, in many of its features, the crisis of 1848, when, according to the work he had mentioned, the Dungarvan fishermen, in dire distress, pawned and sold as much of their boats and gear as they could, and were at last driven to burn the masts, oars, and lining of the boats for fuel. A number were received into the workhouse; but several, who could not obtain admission there, or employment at the relief works, found a premature grave. Proceeding with his quotations, the hon. Member showed that the result of a small loan of £300 from the Auxiliary Relief Committee of the Society of Friends was almost incredible. Whereas a short time before there were scarcely half a dozen boats out of a hundred on the coast that were seaworthy, directly afterwards numbers of boats and hundreds of men were fishing; and from that time they were enabled to earn their own livelihood. They were indefatigable, too, in fulfilling their engagements; and the Rev. Mr. Alcock, the Protestant clergyman, bore witness to the changed condition of things. That small loan was the means of working such great good in that district; and, of course, what happened in that district might be taken as a sample and an illustration of the good that might be done on a more extensive scale in the whole coast district of Ireland. He hoped it would not be said that, whilst they hardly counted the cost of warlike preparations, but spent money by millions on such unproductive objects, they grudged a few thousands in developing a peaceful industry at home, and in rescuing an honest and hard-working class from poverty and destitution. Millions

had been spent lately in securing "scientific frontiers" thousands of miles away; but, by the expenditure of a very small portion of that great outlay, the truly scientific frontier of a prosperous, contented, and grateful people might be established nearer home. He hoped the Government would not allow the opportunity to pass which was now presented. It fell in well with the present crisis, and with the measure they were now engaged in passing for the relief of Irish distress, for it would relieve a very important class of Irishmen—the coast fishermen. Let them lend those men a helping hand, and they would inspire a grateful feeling in the hearts of the people of Ireland.

MR. EWART said, a large amount of the fish taken in Irish waters were taken not by Irish, but by Manx, Welsh, Cornish, and French fishermen. He admitted that, to a certain extent, the failure of the trade hitherto was due to want of energy on the part of the people of Ireland; but they had a great deal to contend with, especially on the West Coast. The disadvantage under which they had laboured in regard to the difficulty of getting their fish to the market was every year disappearing as the means of communication improved; and if they had a fresh start the industry would rapidly develop, and much good would be done. He hoped that the Chief Secretary, who had a golden opportunity of doing something for Ireland, would give the Bill his best consideration, and endeavour to render to that country an act of justice. The Irish Members were asking only for that which had been done for other parts of the United Kingdom. He believed Ireland had been the victim, to a certain extent, of political economy. The introduction of Free Trade had undoubtedly been beneficial to Great Britain; but it had injured the interests of Ireland as a producing country, and he could only hope that his hon. Friend's Bill would meet with a favourable reception from the Government.

SIR ALEXANDER GORDON said, the hon. Member for Waterford (Mr. Blake) had made a personal allusion to him, and had challenged him to contradict his statement that the *Jackal* was not employed by the Admiralty for the protection of the Scotch Fisheries, but by the Fishery Board. He did not see why personal allusion had been

made to him, because he (Sir Alexander Gordon) had only come down for the purpose of listening to the debate, which touched a subject in which his constituency were largely interested. One paragraph of the Report of the Fishery Board of Scotland stated that the Admiralty had sent Her Majesty's ship *Jackal* for the protection of the herring fishers on the coast of Scotland. Would that convince him that the Admiralty had something to do with the sending of the *Jackal* to the coast of Scotland? Not only the *Jackal*, but four other vessels, were sent the year before last for the protection of the Scotch Fisheries, and for this reason, that the fisheries on the East Coast of Scotland—that was to say in the North Sea—were frequented by Dutch, French, and Norwegians, and the vessels in question were sent to the fishing ground as a sort of police. Foreigners went there with their large heavy vessels, and kept at sea for a week or more at a time, while the Scotch sent out small boats, which came home every night. These foreigners interfered with our people, and broke their nets; and it was necessary to have the vessels on the spot for their protection, as well as to prevent foreign vessels from coming within territorial waters. The herring often came close to the shore, where large takes were often had, and it was desirable that outsiders should keep out of these waters. As the hon. Member had appealed to the Scotch custom in support of this question, he would say a few words on that custom; and he wished to preface his remarks with the avowal that he had no hostility whatever to the Bill, or to the money asked for being granted. If £200,000 were given to Ireland, Scotland would, perhaps, get about £10,000—that was generally about the proportion that would fall to Scotland. The hon. Member had stated that Scotland had received since the Union £1,500,000 more than had been given to Ireland; but he would call his attention to a Return which gave the amounts granted for piers and harbours in the United Kingdom since 1800. Scotland, it appeared, was granted £613,612, while Ireland had received no less than £1,881,415, which was £1,200,000 more than had been received by Scotland for the past 80 years. He would also point out what was very important in the consideration of this

Mr. Villiers-Stuart

question, the difference between the Irish and Scotch Fisheries, and the reason why in Scotland there was a Fishery Board. The object of that Board was to control the branding. The East Coast Fishery was entirely supported by the custom from Germany, and dealers from that country would never take a barrel of herrings unless it was branded, because that process saved a great deal of trouble in the purchase. The brand, in fact, enabled the purchaser to know the number and character of the herrings, otherwise they would have to open each barrel before making a purchase, which would be a serious inconvenience. Hon. Members had asked to have vessels placed on the Irish coast; but if there were no foreigners on that coast to interfere with the fishermen, there could not be any object in having vessels to keep them away. The herrings on the West Coast of Ireland were not suitable for the foreign market. They were large, light, and soft, and would not take the pickle. Another difficulty that would be observed in the way of getting a market for Irish fish was that it was much easier to get them conveyed from the East Coast of Scotland to Germany than from the West Coast of Ireland to the same country. The fact was that herrings in Ireland were bought in a fresh state, and in that form brought higher prices than the cured herrings of Scotland. There was no object to be gained, therefore, in introducing branding into Ireland, and this had been made plain by the Report of the Irish Fishery Inspector, who stated distinctly that branding would be of no avail in Ireland, and that, therefore, there was no need of a Board, such as existed in Scotland. He was surprised that no allusion had been made in the debate to this Report of the Irish Fishery Inspector. Then there was a complaint about there not being any harbour of refuge between Queenstown and the Nore. He had heard of several, and therefore did not know what was alluded to. [An hon. MEMBER: Ireland.] He might point out that the Nore was not in Ireland. The fish in Ireland were unsuitable for curing, and the reason was that Ireland and the sea coast was affected by the Gulf Stream, which was not the case with regard to the East Coast of Scotland, and that was the

secret of the whole difference between Scotch and Irish fish. One argument in support of this Bill had been that London would, if the advantages asked for were conceded, be supplied with fresh fish from the West of Ireland; but, for his part, he was inclined to think that London dealers preferred getting their fish from Yarmouth and places near at hand. He hoped, however, the Government would do all in its power in support of Irish Fisheries, but on the understanding that they did not require to have a brand. Another remark occurred to him on the subject. It had been stated that strangers were to be found fishing on the coast of Ireland, and that would seem to indicate that there were harbours of some kind on the West Coast. They had not in Scotland a single harbour, except a tidal one, between the Firth of Forth and the North of Scotland, and yet they managed to get a very good living out of the fishing. The Scotch trusted to their own resources, and perhaps they had as much enterprize as most people.

MR. CALLAN urged the Government to aid in the establishment of fishing stations, such as Arklow, Balbriggan, and Kilkeel, and to afford facilities. He pointed out that in his own experience he had seen at Carlingford upwards of £1,000 worth of fish devoted to manure owing to the want of a curing station in the neighbourhood. This was simply the experience of one night's fishing. He hoped the Government would take the question of establishing curing stations into consideration. The fish to which he referred had arrived just too late for the Greenore boat to Holyhead, and had there been a curing station on that part of the Louth coast a great loss would have been avoided. They were always sure to hear from some Scotch Member in such debates that the Irish people should depend more on their own resources; but what if they had nothing to depend on? He utterly denied the statement of the hon. Member for Belfast (Mr. Ewart) that there was any want of energy, so far, at all events, as the Mourne fishermen were concerned. The fishermen would gladly, for a loan, pay any interest up to 5 per cent, and give ample security. He reminded the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) that it was not the Nore they had

been talking of, but the North, and urged that a gunboat was much needed in the North of Ireland to prevent the irregularities committed by Scotch fishermen, who were more complained of than Cornish or Isle of Man fishermen. In conclusion, he begged to point out how advantageous it would be for the Black Country and other parts of England if a constant supply of Irish fish could be secured; and he thought that this Bill, if carried, would benefit not only Ireland, but England.

LORD JOHN MANNERS thought that in the course of the discussion the conduct of the late Government in the matter of the Irish Fisheries had been unnecessarily criticized. But, setting aside all past differences and asperities, he would suggest whether it were not possible, under the existing novel circumstances of the case, that Her Majesty's Government might not be induced to take a favourable view, he would not say of this particular Bill, but of the question with which it was connected. The Bill was introduced under totally different circumstances to those which existed when the question was previously discussed. It had to be regarded now more especially with reference to the question of making provision against the recurrence of distress. The tendency of the measures of relief which hitherto had been passed was to leave the people dependent upon the potato crop, and all experience showed that that was not sufficient. He was old enough to have taken an active part in the proceedings of Parliament in connection with the last great Famine; and, in his opinion, the only great measure which was then suggested was the proposal of Lord George Bentinck for a wholesale system of railways in Ireland. That measure had for one of its main objects the development of the Irish Fisheries. The scheme was rejected, most unfortunately, as he thought; but, since then, limpingly, haltingly, interruptedly, and in many ways, no doubt, almost uselessly, railways had been carried out, more or less, throughout the country. Therefore, the Government had now much more reason to induce them to regard with consideration a scheme which had for its object the development of the Irish Fisheries, because they had railways and steamboats to carry the fish from

the West Coast of Ireland to the centres of industry. The only question now was whether it was wise for the Imperial Government, under the exceptional circumstances of the case, in some way to aid in the development of those fisheries. He did not wish to express an absolute opinion off-hand; but he thought the object to be attained was one of great importance. If by some such proposal as this they could diminish the dependence of the Irish people upon the potato crop they would be doing an enormous good not only to Ireland, but to the United Kingdom. Whether this particular Bill was the best that could be devised he would not say; but he had no hesitation in saying that if the Government were disposed to regard favourably either this scheme or any analogous proposal he should give them his most cordial and hearty support.

MR. W. E. FORSTER quite agreed with the noble Lord who had just sat down that one of the lessons taught by the late distress was that they ought to stimulate their desire and their endeavours to develop industries in Ireland, and the fishing industry was one which had a special claim on their attention, because it was almost the only alternative employment for many persons in the most distressed districts. It was almost the only other resource open to the small cottier tenant on the coast. Without exciting any unpleasant feelings in regard to other controversies, he might say that it was a generally acknowledged fact that the difficulty of the Land Question was much increased by what was called the "land hunger," arising from the occupants of the soil having nothing else to do. He thought the time had gone by this year in which much could be done beyond what had already been undertaken by the Government for the immediate relief of the distress. Without in the slightest degree blaming the late Government, he should have been very glad if the noble Lord opposite (Lord John Manners) could have persuaded his Colleagues to have taken steps in this matter last autumn, which might have had some effect on the pressure of the present necessity. But, allowing that the subject demanded attention, in what way could it be met? The hon. Member for Waterford (Mr. Blake) had made an interesting speech.

Mr. Callan

Many explanations had been given of the decline of the Irish Fisheries; but he suspected that one cause which had been more hinted at than expressed tended to account for it more, perhaps, than anything else. That was, that the Irish fisherman found it very hard work to compete with his rivals on other coasts, and even on his own coast. The hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) had pointed out that the development of railway communication made it easier for the fishermen on the East Coast of Scotland to get a market on the Continent for his herrings than it was for the fishermen on the West Coast of Ireland. There was one thing, however, which to him (Mr. W. E. Forster) appeared hard in the case of the Irish fishermen, and that was the sorrowful fact that they had to see Cornish, Scotch, and Manx fishermen bring their boats into the Irish fishing grounds. But was not that owing very much to what was happening in other trades besides fishing? Small traders found it very difficult to compete with large traders; and the half-cottier, half-fisherman, who went off in his small boat found it very difficult to compete with the trawlers and the large boats which came from other districts. One of the objects which he presumed the hon. Member for Waterford had in view was to enable the Irish fisherman to have the same advantages in respect to large boats as the fishermen of other parts of the Kingdom, and even of the Continent. That Bill, as he understood, proposed in a very experimental way to attain that end, but to an extent which was almost contemned by hon. Gentlemen opposite. His hon. Friend (Mr. Collins), in his moderate and clear speech, asked for a loan of £30,000; but the hon. Member for Waterford (Mr. Blake) said the amount must be £150,000 or £200,000, and other hon. Gentlemen said much the same. Now, if the Irish fisherman was to be put by State loans in a position to compete with his Scotch and other rivals, he questioned whether a loan of £30,000 would be of much service. He did not think he was a great purist about political economy. Some of his friends looked on him rather as a heretic. He believed that the laws of political economy were as true, and would as certainly be obeyed as the laws of physics if men were machines in-

stead of being, to some extent, not only reasonable, but unreasonable creatures. The science of political economy was made too often to rest on the assumption that men would do exactly what they ought to do to get rich and produce wealth, although owing to folly, passion, or ignorance, very often they did not. Still, it was a very serious question indeed to suggest that any industry should be carried on by State capital. The hon. Member for Waterford was really asking that the fishing business on the West Coast, and perhaps on the whole coast, of Ireland, should be carried on by State loans. If they assented to doing that, many other industries might demand the same thing. But he much doubted whether they would be really helping the industry by that course. State machinery must be much better than he had ever heard of its being if a business which got its capital from the State would be able to compete with a business which derived its capital from private enterprise. The analogy of the case with regard to the fishery at Cape Clear, assisted by private money, could hardly apply to money lent by the Government, because the gentlemen who lent the money had a special interest in the fishery, and there was almost a certainty that it would succeed. The first time he was in Ireland he was much interested in the fishermen of the Claddagh, and attempted to get up a loan to enable the fishermen who had suffered from the Famine to have their nets repaired. The loan did them much good for the time; but he doubted whether they could trust to State machinery for supplying the capital to carry on that trade. But the chief reason why he could not assent to the principle of this Bill he would briefly explain. He had been told at the beginning of the debate that he was responsible for the government of Ireland. This was to a partial extent true; but there were other Members of the Administration who had to be consulted in a matter of this sort. There were those who had to look after the taxes. The Chancellor of the Exchequer was responsible for seeing that all the people of these Kingdoms were taxed as lightly as possible, and equally, one country compared with another; and, therefore, hon. Members from Ireland must not regard him as if he were a hard man who had a large box of money, and that

he had the power to make a stream of gold flow into their country. In the first place, the money was not his own, and, in the next place, he had not the key of the box. The Treasury must ask what security it was to get for those loans. The hon. Member for Belfast (Mr. Ewart) said they ought to be given on good security. Was it easy to lay it down that there would be a good security on a boat or on a net, and might there not be a good deal of hardship in realizing the security when the boat or the net was worn out? He only threw out that remark without saying that it might not be a safe thing to do. That was one principle of the Bill; but then there was another, and that related to a large expenditure upon quays or piers. He was not sure whether the Government had been asked to provide for them by way of grants or loans. [AN hon. MEMBER: By loans.] Well, if it was proposed to undertake such works by loans he thought there was a great deal to be said for it. He would certainly do his utmost to find out how loans could be made for increasing the number of piers beyond any sum they were now giving as grants. One of the principal hopes he had for a better state of things in Ireland rested on some wise and comprehensive manner of finding out good securities in Ireland on which loans could be wisely given at an interest which would be low for the borrower but safe for the lender, that lender being the State. He could not help believing that that might be done to a considerable extent, and one of the first objects for which it could be rightly done would be the extension of piers. Undoubtedly the hon. Member would have some claim for harbours of refuge in Ireland as in other parts of the Kingdom. He did not want to preclude that. It was not, however, by grants on a large scale that Ireland ought to expect or to wish her resources to be developed; but it was by loans made under a wise system, and after finding out that the security would be satisfactory. He did not know what his hon. Friend who had charge of the Bill intended to do. He should be sorry to vote against that Bill; but he could not agree to it, because it would be committing the Government more than they were able to be committed at that moment. They could not commit themselves to the principle of finding capital

for that fishing business; and they ought not to commit themselves to finding large additional sums of money for piers until they had found out how the whole coast should be looked at. His hon. Friend might say he only asked for an additional £20,000 for piers and £30,000 for those loans. With regard to the appointment of a Commission, there had been arguments in favour of that proposal; but proof was wanting to show that they ought to have a Commission. He had, to some extent, a fear as to an unpaid Commission. The result of such Commissions was this. Gentlemen who took an interest in the matter were put on them at first; but somehow or other they diminished in numbers, and then the work fell very much into the hands of officials. Very often the consequence was that the high-sounding names which were on the Board were merely a sort of support to the official element, and the whole of the work fell into official hands. He could not support the second reading of the Bill; but he could honestly tell his hon. Friend that the Government would try and find out how they could put those Irish fishermen in a position to take part in what Providence had given them on their coast, and how they could prevent the competition being made more serious than it had been by the circumstances of the trade. And it might be found, after a full study of the subject, that there was special ground for a loan system, and also for special assistance in regard to piers. It was a question worthy of consideration whether any of the Irish Church Surplus ought or ought not to be taken for that purpose. But that was not a matter which ought to be done in a hurry. If they ultimately came to the conclusion to apply any of the Church Surplus in that way, they must first find out how much of that Fund was left, which he did not think was exactly known yet, nor could it be known until they knew what the immediate relief of distress took from them. Then they ought really to have a scheme which would show the great advantage arising to that particular industry; and after that was done the House would be able fully to consider whether they would give it for that particular purpose rather than for any other. He did not know that he could say anything more than to repeat that the subject was one in which he was deeply interested.

Mr. W. E. Forster

MR. COURTNEY said, he did not know what effect might have been produced on his Irish Friends opposite by the speech of the Chief Secretary; but it seemed to him that the right hon. Gentleman had been a good deal too conciliatory. He had, indeed, spoken of the difficulty of keeping up industry on borrowed capital; but he had also alluded to the possibility of surveying the whole coast of Ireland, to see what might be done in the way of national help for the improvement of harbours, and likewise to the possibility of finding out in Ireland some security on which loans could be made, the lender being the Imperial Exchequer. If the Chief Secretary wanted to lend money, he would have no difficulty in Ireland. There was nothing on which the Irish people were more united than in the demand for loans; and the suggestion of searching out for a security on which advances should be made out of the public Treasury for the development of the resources of Ireland was one of the most mischievous which could be thrown out in the present state of Ireland and in the actual condition of the Irish people. That Bill had been supported with considerable unanimity by the Irish Members; and, no doubt, when they were agreed, their unanimity was wonderful. The measure included a scheme for the regulation of the coast Fisheries of Ireland. Now, the present Chairman of Committees in that House had acted as Chairman of a Royal Commission appointed to examine into the herring fisheries of the British coast. Well, that authority stated that, in the inquiries conducted by that Commission, one thing above all others became most clear, and that was, that the fisheries of the British coast prospered the more the less the Government did for them, and the less legislative restriction prevailed; and the Commissioners recommended the repeal of all the Acts of Parliament for protecting fishermen by various methods. That virtually amounted to a condemnation of the present Bill by the Chairman of Committees. The Bill also involved a demand of money by loan or grant to fishermen, and for building piers along the coast. Without that assistance the Irish coast was now fished, and fished industriously, by fishermen from Scotland, Cornwall, and the Isle of Man. It could not, therefore, be the lack of har-

bours that prevented the Irish fishermen from also fishing it. But it was said it was from lack of capital. What means had the fishermen of other parts of the Kingdom than Ireland of getting capital? They were as poor a class as the Irish. He put aside the assertion that the Cornish fishermen in the last century received bounties. It was true that some of those bounties were given; but the effect of them had long passed away. The argument that the English fishermen had reached, by means of bounties, a certain platform which was denied to their Irish rivals, was analogous to one that had often been used in other Legislative Assemblies in favour of protective tariffs. The noble Lord the Member for North Leicestershire (Lord John Manners) said the question must be considered with special reference to the peculiar crisis through which a large part of Ireland was passing. But that demand was not now sprung on them for the first time. For many long years before the present crisis the claim for State aid to Irish Fisheries had been put forward. It had been urged, when attention was directed to the amount of the deposits in the Irish banks, and when they were told that the want of security for the tenant prevented the application of capital to the land. However that might be, he knew of no hindrance in the law which prevented the application of capital to the development of those Fisheries. He believed that the root of the evil they were considering lay, not in the want of capital nor in the want of energy, but in that defect of morality in the Irish character which did not permit the people to associate themselves much together in industrial enterprizes, or, indeed, in other enterprizes. They lacked that self-reliance and mutual co-operation and mutual trust which existed in other parts of the Kingdom. If the House desired to legislate for the ultimate benefit of Ireland, it must shape its course, as far as possible, with a view to correct that state of things. The two great faults of the Irish character were—first, too great a dependence upon others; and, secondly, the indisposition to associate together in industrial enterprizes. The present Bill would tend to make those defects inveterate and permanent. The Irish people should be taught to rely more on their own resources. The Fisheries of our own coast were not really

carried on by great capitalists, but by small tradesmen. The fishing boat was divided into shares, the crew having their share, and other people had theirs; and it was because the small capitalist could trust the fisherman, and the fisherman could trust the small capitalist, that those Fisheries flourished. He was now using language which he would employ if he were a Member of an Irish Parliament, and he would resist that Bill as one tending to perpetuate instead of to cure the faults of Irish character.

MR. WARTON said, the hon. Member for Liskeard (Mr. Courtney) had presented political economy in its most cold-blooded aspect, and his speech was calculated rather to irritate than conciliate the Irish people. He altogether disputed the *dicta* of the hon. Member for Liskeard, and denied that Irishmen were deficient in morality, indisposed to partnership, or prone to rely unduly on the assistance of the State. This was a time when they had a right to expect assistance; and, therefore, he heartily supported the Bill. He assured the Chief Secretary for Ireland that it would be far better policy, instead of adopting measures which were calculated to set class against class, and to benefit one class by plundering another, to yield to the united wishes of all classes of Irishmen on such a matter as this. This demand was a very small one, and the £30,000 required would soon be realized out of the additional Income Tax and the Beer Duty, the produce of which the Prime Minister had systematically under-estimated. He would rather pay another additional 1*d.* of Income Tax, if necessary, than see the Irish Fisheries neglected. But it appeared that, while the Government did not shrink from dangerous, revolutionary, and Communistic measures, they opposed a Bill like this which nobody ought to object to.

MR. PARSELL said the hon. Member for Liskeard (Mr. Courtney) had made a charge against the Irish fishermen. That charge had not been made for the first time against Irishmen engaged in different pursuits. He had heard it said often in connection with the manufacturing industry, or want of such industry in Ireland, that they could not succeed because they were deficient in the characteristics which Englishmen and Scotchmen possessed. But it was a very remarkable fact that this "deficiency in

moral character" did not pursue the Irish people out of their own country; for in Canada, Australia, the United States, and other countries to which they emigrated, they were succeeding in a very striking manner, considering the difficulties with which they had to contend in all the pursuits in which they were engaged. That was an indisputable fact. The House had to consider how it was that Irishmen who succeeded in other parts of the world were unable to succeed in their own country. The hon. Member for Liskeard had pointed out that in Cromwell's days the Cornish fishermen went to fish at Waterford, and that ever since the Cornishmen had shown themselves better adapted to fish than Irishmen. But what was the reason? In the days of Cromwell fishermen of Cornwall presented a Petition to Cromwell stating that, by reason of the great competition from Irish fishermen, Cornish fishermen were not able to compete successfully with fishermen on the Irish Coast; and they begged that Irishmen might not be allowed to fish in Irish waters. In accordance with their prayer, Cromwell issued orders forbidding Irishmen to fish in Irish waters. But that was not all. Such as were caught doing so, after the issuing of the edict, were made slaves, and sent to the West Indies. That was the history of the competition of Cornishmen with Irish fishermen, and that was the foundation of the superiority which the hon. Member for Liskeard claimed for Cornish over Irish fishermen. Cornishmen got the start, and they were able to keep it ever since, owing to legislation of that kind. The Irish Fisheries had been depressed, from time to time, by English legislation. And if Parliament was asked to put aside a little the principles of political economy now, it was because they had much more rudely put aside the principles of political economy in their dealings with Irishmen in times past. He admitted that State loans to fishermen were objectionable as a permanent means of supporting their industry; but Irishmen had been crippled by several famines—by the notable Famine of 1846—just when Irish Fisheries were beginning to flourish; and, again, another calamity had come which had thrown Irish fishermen back in the competition with other fishermen. He thought, if a moderate loan could be

Mr. Courtney

made by the State to fishermen in Ireland, the result would be the establishment of a larger class of boats, which would enable them to compete with Cornish and Scotch fishermen, who were evidently alarmed at the prospect of competition from Irish fishermen, from the way in which they had set the hon. Member for Liskeard against the Bill. Advances previously made had done a great deal of good, considering the limited extent to which they were made, and had been punctually repaid. The moderate loans now asked for would, of course, be on good security. With regard to harbours, he would ask the Chief Secretary whether a limited grant could not be made out of the Church Surplus Fund, in addition to that made by the Treasury, for the purpose of giving harbours on the West Coast, which would be of great utility? The Board of Works had already sufficient information to justify the expenditure of £100,000 or £120,000 with great advantage; and there would be no possible risk of the money being wasted. He trusted, therefore, that they should have the support of Members representing English and Scotch fishing constituencies in the matter. He might mention there were no harbours, as yet, on the Western Coast of Ireland, with the exception of the Harbour of Kinsale. The Coast of Ireland consisted of over 2,500 miles, and only about 350 miles were at present fished by the Cornish and English fishermen, simply for the want of harbours. If, then, they could expend £120,000 or £130,000, so as to extend the fisheries, the food production would be materially increased. Had Irishmen a Parliament of their own, they would be able to provide these things for themselves; therefore, the Government should go a little in the direction in which the Irish Members asked them to go. If the Government could not see their way to a second reading of the Bill, he hoped they would entertain an application for an additional grant of £60,000 out of the Irish Church Surplus for the purpose of small fishery harbours and piers on the Western Coast of Ireland. That would enable Irish fishermen to struggle on until the time came when the right hon. Gentleman would be able to consider this question in all its bearings, and bring forward some comprehensive policy with regard to the subject.

MR. JUSTIN M'CARTHY regretted that the hon. Member for Liskeard (Mr. Courtney) should have lent the weight of his authority to support somewhat narrow and old-fashioned notions of political economy. He would remind the hon. Gentleman that there were many large trades in Ireland in regard to which the principle of association or co-operation prevailed more than it did in England or Scotland. He (Mr. Justin M'Carthy) thought this Bill was by no means an unreasonable, but, on the contrary, a perfectly reasonable, measure. The greatest writers on political economy said it was reasonable to help certain classes in order that they might thereby become able to help themselves.

SIR JOSEPH M'KENNA remarked, that it would be well to consider where political economy began as well as where it was likely to end. The treatment of Ireland by a British Parliament had been from first to last a complete violation of the principles of political economy. When the hon. Member for Liskeard spoke in such terms of the difficulty of making Irishmen combine for purposes of trade, commerce, or manufacture, he felt inclined to point to the words in the Book of Job—"Who are these who obscure the councils by words without wisdom?" The one great faculty of the Irish people was combination, and there was no people against whom such pains had been taken to break down the principle. In the matter of the Irish Fisheries, the hon. Member for Cork had pointed out how the most violent measures had been had recourse to to crush those fishery interests. What did Ireland contribute towards the Imperial Exchequer? At least double as much in proportion of population as England and Scotland. Under the circumstances, though no one was more ready than himself to subscribe to the principles of political economy in the abstract, when those principles were transgressed, as they were in the government of Ireland, then a measure such as this could not be judged as to whether or not it was in accord with the principles of political economy, but whether or not it was necessary as a compensatory measure to make up for transgressions of political economy, which had been the rule in the Irish government. At the same time, he credited the present Govern-

ment with the best intentions. For the time they had been in Office they had gone as far in the direction of conciliating Irish interests as it was possible for any British Government to go; but if his hon. Friend went to a division, he should support the second reading of the Bill.

MR. O'DONNELL, as the Representative of a borough which previous to the great Famine in Ireland possessed a fishing fleet of more than 120 vessels, and which had now been reduced to about a dozen, added his strong petition in favour of the fishing industry, especially in the South of Ireland. They required a little help, given in a generous spirit and founded upon principles of common sense, in order to make the harbour at Dungarvan a source of wealth and comfort to a very large extent of the population in the South of Ireland. The opening of a line of railway through Waterford had placed Dungarvan in communication with a wide extent of the country. In reply to what had been said by the hon. Member for Lisheard with regard to the practical application of the principles of political economy and government in Ireland, it would not be difficult to show that where a Government had satisfied itself that the circumstances of a country were admirably suited to a certain industry, it was not contrary to the principles of political economy to give that support at the outset necessary to place that industry on a healthy and solid basis. Such a course would recommend itself to a wise Government. All they asked was to have the means of placing the Irish fishing industries in the way to get a fair start. After that, he was certain they would not have to come to the House for grants or loans in their aid.

Question put.

The House divided:—Ayes 125; Noes 172: Majority 47.—(Div. List, No. 44.)

AGRICULTURAL HOLDINGS (ENGLAND)
ACT (1875) AMENDMENT BILL.

(*Mr. Chaplin, Mr. Poll, Mr. Joseph Cowen, Mr. Birkbeck, Mr. J. C. Lawrence.*)

[BILL 138.] SECOND READING.

Order for Second Reading read.

MR. CHAPLIN, in rising to move that the Bill be read a second time, said,

Sir Joseph M'Kenna

he need scarcely remind the House that in the last Parliament a Bill was introduced by the late Administration for the purpose of giving tenant farmers in England security for the capital which they embarked in their farms, and for giving them a right to compensation for improvements which they might happen to make, and which remained unexhausted on leaving their holdings. Among all the questions which arose out of that Bill at the time there was none which engaged more the attention of Parliament than the question whether that Bill should be compulsory or permissive. The Government decided that to make the Bill harshly override all existing and prospective arrangements between landlords and tenants would be inexpedient in the highest degree. In that opinion he agreed with the Government at the time. In the first place, he knew from his own experience, and he thought many other hon. Members had a like experience, that there were many parts of the country in which the relations between landlords and tenants were already on a most satisfactory footing—that the system, in fact, gave general security to tenants for their improvements. He believed that if compulsory legislation had at that time been suggested, it would have been rejected with indignation by the tenants themselves. In the county which he had the honour to represent there was a custom which gave perfect security to tenants for the improvements which they had made on their holdings, and for the capital which they had invested on their farms. That custom was legally permissive—that was to say, it was perfectly open to the landlords and tenants, if they thought fit to do so, to contract themselves out of that custom. No tenant he ever heard of in the county of Lincoln would consent to sign any agreement which practically deprived him of any of the benefits to which he would be entitled under the custom of the county. He always expected that would be the effect of the Agricultural Holdings Act. He always entertained the views which were expressed at the time by the noble Lord who was a great authority on all agricultural matters—Lord Leicester. Lord Leicester, speaking of the introduction of the Agricultural Holdings Act, said—

“We are indebted to Her Majesty's Government for the principle of this Bill, and I trust

the majority of landlords will adopt that principle. But they will contract themselves out of it, and take such courses as are best adapted to meet their wants."

The measure passed, and it had been in operation for a period of something like five years. He freely admitted to hon. Gentlemen opposite, who had always advocated compulsory legislation, that to a certain extent that Bill had been disappointing in its operation. It was undoubtedly the case that in many parts of the country, immediately on the passing of the Act, the landlords did what he fully expected they would—namely, they contracted themselves out of that measure. But he was sorry to say that what he did not expect had occurred—many landlords neglected to offer, and many tenants neglected to stipulate for, any agreement whatever as a substitute for it. It was in consequence of that non-operation of the Act in that way that he was induced to introduce the present measure, which he hoped would apply an effectual remedy. The Bill would apply only to future leases coming into operation after the 31st October, 1881. In the first place, leases of 21 years and upwards were excluded altogether; and, secondly, the Bill dealt solely with compensation for unexhausted improvements; other matters being left to the entire discretion of the two contracting parties. It had been his object not to interfere with arrangements which were working satisfactorily at this moment, but to obtain, as nearly as was practicable, absolute security to the tenant. That object he sought to gain in one of three ways. First, the landlord and tenant might agree that compensation should be granted in accordance with the Act of 1875; or secondly, in accordance with the system laid down in the Schedule to the Bill; or thirdly, they might make special agreements between themselves. In default of the express adoption of one of these three courses, the Act would come into operation. The first class was dealt with in Clauses 4 to 50, and he thought those clauses would work well. Next, the Scheduled system corresponded with what was known as the Custom of Lincolnshire. It had been found that the custom was satisfactory, as it gave security to the tenant, and had led to a high and advanced system of farming. That custom extended not only through-

out Lincolnshire but also into the adjoining counties, and he had introduced it into the Bill because, as he had said, it was desirable to interfere as little as possible with existing arrangements. In adopting the system of the Bill, the parties contracting would only have to sign a simple agreement to that effect. The third case was where special agreements were entered into. In ordinary circumstances he would have been disposed to leave the question where it was, as the farmers were perfectly able to take care of themselves, especially at the present time, when they were, if anything, in a better position than the landowners. But, having regard to the disappointment which he confessed he had felt at the result of the Agricultural Holdings Act of 1875, he had thought it was desirable to go one step further. The machinery for making agreements under the Act was provided by the 4th clause. If it should be found that agreements under the Bill did not work satisfactorily, either party might give notice to the other, and the matter might be settled by reference to arbitration, and the reference should be made under the terms of the Act of 1875. Every agreement under the Bill was to be in writing. He did not propose his Bill as a remedy for agricultural distress, for he did not wish hon. Members to run away with the idea that legislation of that kind would be sufficient to cope with the distress which they had recently passed through. In Lincolnshire the farmers were satisfied with the security which they enjoyed; but in that county they had not been free from the distress which prevailed in other parts of the country; in fact, he rather thought they had suffered more than other districts. But the agricultural interest was on its trial. There was competition from abroad, and high authorities had said that the competition would become still more severe. It might be that farming in the future would not pay; but he was certain of one thing, and that was, that if good farming did not pay bad farming most assuredly would not. To promote good farming it was necessary that the tenant should have security. Information had recently reached him which had led him to form the opinions which he had expressed, and he hoped that the Bill which he had brought forward would afford the

maximum of security with the minimum of disturbance of existing arrangements. He concluded by respectfully commending the Bill to the attention and impartial consideration of the House.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chaplin.*)

MR. B. SAMUELSON said, that he should not oppose the second reading of the Bill, as it embodied a principle for which he had always contended. But if the Bill was read a second time, he should be glad if, together with the Bill introduced by himself, it were referred to a Select Committee, as there would not be time in that short Sitting to discuss the Bills fully. But he could not but remark on the course adopted by the hon. Member for Mid Lincolnshire (*Mr. Chaplin*), and, in fact, by the Opposition generally. In 1879, he had moved for an inquiry into the subject; he had brought facts to show that the Act of 1875 was a failure. But that position was contested by the Opposition, and by no one more strenuously than the hon. Member opposite. The Members of the late Government, and particularly the noble Lord the Member for Liverpool (*Viscount Sandon*), tried to invalidate his statements. The noble Lord went so far as to suggest that the authorities he quoted might possibly be those of people residing in towns, and without any weight on agricultural questions. At that time he (*Mr. Samuelson*), was not at liberty to make use of the names of his correspondents; but permission to do this had since been freely given to him, and he only regretted that there was no time for him to do so on the present occasion. But now it appeared that information had reached the hon. Member (*Mr. Chaplin*) which induced him to change his opinion. Why had not the hon. Member obtained that information a little earlier? The same sources of information which were open to him (*Mr. Samuelson*) were open to the hon. Member. He (*Mr. Samuelson*) would now refer to a denial on the part of the noble Lord the Member for Liverpool that the tenants of the Duchy of Lancaster had been deprived of the benefit of the Act. In answer to that, he would ask the attention of hon. Members to Returns which showed that the Ecclesiastical Commissioners, the Duchy of Lancaster, the Universities of Oxford

Mr. Chaplin

and Cambridge; Trinity and Sidney Sussex Colleges, Cambridge; Merton, Worcester, Lincoln, and other Colleges in Oxford; Eton College, Christ's Hospital—in fact, almost every public body or corporation, except Greenwich Hospital, had contracted themselves out of the Act, and for the most part adhered to the most antiquated customs. But it was the Elections which had suddenly roused the hon. Member (*Mr. Chaplin*) and his Party to the importance of the question. No sooner was the Dissolution announced than the hon. Baronet the Member for Mid Kent (*Sir William Hart-Dyke*) was sent down to Maidstone to announce that he had been in consultation with the hon. Member for Mid Lincolnshire, and that he should in future support the Resolution of *Mr. Samuelson*, making compensation compulsory.

MR. CHAPLIN said, that he had called the attention of the House to the matter a year and a-half ago.

MR. B. SAMUELSON said, he found no evidence of the hon. Member's statements in the Journals of the House; but he supposed the hon. Gentleman referred to the Commission on Agriculture which had been appointed; but he (*Mr. Samuelson*) did not think the farmers would find much comfort in an inquiry which consisted of 10 heads and 145 sub-heads. If the Bill of the hon. Member, which he took care not to circulate till he had taken three weeks to study his (*Mr. Samuelson's*) Bill, and which was, in fact, little less than another version of that Bill, but which, by the ballot for place had gained an accidental priority to his own, was read a second time, he trusted that both Bills would be referred to a Select Committee.

MR. DUCKHAM said, he was glad to see the change that had come over the spirit of the hon. Member for Mid Lincolnshire.

It being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

PARLIAMENTARY DISQUALIFICATION BILL.

On Motion of *Sir Eardley Wilmot*, Bill to incapacitate from sitting in Parliament any person who has, by deliberate public speaking, or by published writing, systematically avowed his disbelief in the existence of a Supreme

Being, *ordered* to be brought in by Sir EARDLEY WILMOT, Mr. Alderman FOWLER, and Mr. HICKS.

Bill *presented*, and read the first time. [Bill 259.]

TURNPIKE ACTS CONTINUANCE BILL.

On Motion of Mr. HIBBERT, Bill to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith, *ordered* to be brought in by Mr. HIBBERT and Mr. DODSON.

Bill *presented*, and read the first time. [Bill 260.]

EPPING FOREST BILL.

On Motion of Mr. ARTHUR PEEL, Bill to continue for a limited period the powers of the Arbitrator under "The Epping Forest Act, 1878," and to amend that Act, *ordered* to be brought in by Mr. ARTHUR PEEL and Secretary Sir WILLIAM HARCOURT.

Bill *presented*, and read the first time. [Bill 261.]

House adjourned at Five minutes
before Six o'clock.

HOUSE OF LORDS,

Thursday, 8th July, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—

Taxes Management * (123); Inclosure Provisional Order (Clent Hill Common) * (124); Land Drainage Provisional Orders (Frodsham, &c.) * (125).

Committee — Report — Elementary Education (106); Union Assessment Committee (Single Parishes) * (104); Representation of the People (Scotland) Act (1868) Amendment * (103); Local Government Provisional Orders (Abergavenny, &c.) * (108); Local Government Provisional Orders (Amersham Union, &c.) * (110); County Bridges * (113); Isle of Man (Loans) * (107).

Third Reading—Judicial Factors (Scotland) * (98); Local Government Provisional Orders (Poor Law) * (102), and *passed*.

THE RIVERS CONSERVANCY BILL.

OBSERVATION.

THE EARL OF SANDWICH expressed the hope that the Government would not overlook the Rivers Conservancy Bill, which was introduced in the late Parliament, and passed their Lordships' House, from whence it was sent down to the other House. The Bill was of a very important character, dealing as it did with the superintendence and dredging of rivers throughout the country,

and providing for a general system of drainage. He did not expect that they could pass the Bill that Session, but he hoped that it would be dealt with next year.

ELEMENTARY EDUCATION BILL.

(*The Lord President.*)

(NO. 106.) COMMITTEE.

House in Committee (according to Order).

Preamble *agreed to*.

Clause 1 (Short title and construction); and Clause 2 (Obligation to make bye-laws as to the attendance of children at school); severally *agreed to*.

Clause 3 (Power of school attendance committee to make bye-laws).

In reply to Earl DE LA WARR,

EARL SPENCER said, that it gave power to the attendance committees, without a requisition from the parish, to make such bye-laws as they could now make on parochial requisition; and it further gave power to the Education Department to make such bye-laws if the attendance committees failed to do so.

Clause *agreed to*.

Remaining Clauses *agreed to*.

House *resumed*.

Bill *reported*, without Amendment; and to be read 3^d *To-morrow*.

RUSSIA AND THE PORTE — MR. GLADSTONE'S SPEECHES.

MOTION FOR A PAPER.

LORD STRATHEDEN AND CAMPBELL, in rising, according to Notice, to call the attention of the House to the speeches delivered by the right hon. W. E. Gladstone, respectively at Hawarden on Tuesday, 16th January; at Frome on Monday, 22nd January; at Taunton on Saturday, 27th January, 1877; and to move for a Return of the number of killed and wounded in the late War between Russia and the Porte, said: My Lords, before going on further with this Notice, I should wish to guard myself by mentioning that a precedent exists for adverting in this House to some events in the career of a Prime Minister who hap-

pens to be sitting in the other. It occurred in 1827, as regards Mr. Canning. The authority on whom the precedent depends is much too high indeed for anyone to emulate, at least, who sits upon these Benches. But it is not less conclusive upon that account, as regards what falls within the Rules and Usages of Parliament. If no precedent existed, an unusual course might be admitted in an unexampled situation. My Lords, events are so rapidly forgotten when some new conflict which appeals to Parliamentary opinion has arisen, or when new forms of legislation are before us, that events, however recent, startling, and familiar, may escape the apprehension which they call for. When, in March and April, the General Election overthrew the Government appealing to it, the Leaders of the Opposition at that time in the two Houses might have been expected to replace it according to the practice generally followed, unless someone else was called upon by the Sovereign before them. Although no one else was called on by the Sovereign before them, they were not destined to replace it. A distinguished individual, who had openly and systematically renounced all intention of coming back to Office, and acted in a manner little suited to any other prospect, was suddenly precipitated into Downing Street. The return from Elba was not more contradictory or violent. But that was not the limit of the wonder. Although Ministerial explanations in the two Houses of Parliament have attended nearly every crisis we have gone through during the last 20 or 30 years, none of any sort were given in the debates on the Address, either by the new Prime Minister, or those who had submitted to his movement. It seemed to be assumed that the perpetual and inherent order of the British Constitution secured the post of First Lord of the Treasury and Chancellor of the Exchequer to a person who had formally withdrawn from the Leadership of the Party which had gained success, and which was thus required to organize a Government. Under these circumstances, those who, before the usurpation happened, pledged themselves to the opinion that it would be a national reproach and national calamity, may be expected, while the Session is going on, to take whatever course appears to them to have even a distant

tendency to shorten it. It will be easy to explain on what grounds the speeches mentioned in the Notice are more properly an object of remark than others more habitually referred to at this moment. The others more habitually referred to were delivered by a candidate. Whoever finds himself in that position must speak, whether he likes it or not, and is not, therefore, a free agent. If what he says is full of much inaccuracy and extravagance, he may remark that it was only meant for the electors, and passed without his wish or sanction to the general community. Even if his language alienates Crowned Heads and puts Ambassadors in difficulty, he may insist that it was the only manner of working on some 200 minds of a peculiar cast essential to his victory. There is no such plea for speeches which can have had no aim restricted to the audience who were present. The case becomes much stronger when these speeches are delivered a few weeks before Parliament assembles; when a legitimate arena is on the point of being re-opened; when it is most unusual for an influential person or former statesman to be seen on the platform; when he can have no aim except to move the public or inflame it; and, apparently, by language he desires to screen from the criticism of the Legislature. So much consideration is due, however, to the absent, that it might be unjust to advert even to these speeches, however little sheltered by their origin, unless you traced the line of conduct which their author had pursued on the transaction they refer to. A few words, however, would suffice for such a purpose, which many noble Lords, if they are inaccurate, can rectify. It seems to me to be accepted amongst the best observers of diplomacy that the present Prime Minister's own conduct in 1870 did much to revive the dangers of the Eastern Question. However, that may be, in 1874 they certainly appeared in the shape of an alliance between three well-known Powers, highly menacing to the results which the Crimean War had laboured in gloom, not unrelieved by splendour, to establish. There was not an effort upon his part to check or to discourage that alliance, although it worked under a banner against which Liberal opinion, by long tradition, had arrayed itself. Those who did determine to oppose it met with every species of em-

barrassment which he, or his immediate friends, were capable of offering. I can prove that, much too circumstantially, to anyone who questions me. At last, in two years, he came forward, not to breathe a whisper against that formidable system, but to inflame the world against the Empire which it tended to disorganize. It is true that Empire, on many grounds, deserved to be reproached. But the British public were already too much inclined to look with passion on its errors. An incendiary appeared, when a fireman was wanted. His next effort was to form a Party, who would act as the supporters and accomplices of Russia, in defiance of all the lessons which history had originated and foreign policy had settled. It led to some results which are not properly appreciated, besides the obvious one of lending aid where much resistance was demanded. To form a Russian Party is a certain manner of eliciting an anti-Russian Party in the country. The upshot is, that even with that State our relations are embittered by the conduct which professes to improve them. The proposition of confiding in, and co-operating with, a quarter there have been so many reasons for interpreting as adverse to our objects, brings down the weapons which had gone into disuse, and kindles animosity which slumbered. Such a pamphlet as that of Mr. Austin's, which presented, in a burning form, the course of an aggressive Power against all the States it had attacked, would never have existed, unless the right hon. Gentleman had rashly held up the aggressive Power as an object of our sympathy. His step was both misleading to Great Britain, unjust to Europe, and discrediting to Russia. We now have reached the speeches of January, 1877. The charge against them is, that they were fraught with arguments to bring on the invasion which quickly followed their delivery. It is not my intention to give many extracts, because their tenour may be seized without a process so invidious; and because we only have reporters for their language, although, in such a case, they are pretty certain to be accurate. They consist in unlimited denunciation of everything to be found within the territory of the Sultan; invective against the Treaties of 1856; and then, to crown the whole, an anathema against the Ottoman Assemblies, which are described

as "an imposture, or something worse than an imposture." Now, my Lords, by far the strongest barrier to the invasion consisted in the Ottoman Assemblies, which were sitting at the moment. While a reforming body was at work against abuses—and seen by all the world to be so—it required no ordinary stretch of humanitarian pretension in any foreign Army to interfere with their proceedings and anticipate their labours. If they could not be suppressed, and the right hon. Gentleman had no power to suppress them, to blacken them, which fell within the range of his unscrupulous activity, was the very course required by the invader. The invader thoroughly commended it. But these speeches had a further influence. They led the Czar to think that he might count on the Party which initiated the War of 1854 as his supporters in the very enterprize which they had formerly defeated. It is now better known to what extent the counsels at St. Petersburg were balanced. We see to which step an overwhelming weight was added. The War began. The next step of the right hon. Gentleman, in defiance of the political connection he had just been leading, was to engage the House of Commons by Resolutions, if he could, to uphold and sanction the aggression. His defeat, indeed, was signal. He but unmasked the aim with which the speeches I refer to had been uttered. When Russian forces reached San Stefano, he was not disposed to sanction any measure for counteracting or retarding them. The Fleet hung back under his auspices. Unless in a sinister moment he had resolved to force himself into power, when he might well rejoice in the attainment of impunity, not a word of retrospective blame would fall upon him from any Member of the Legislature. His own irregular ambition forces it upon us. It is only by reviving circumstances which might have passed into oblivion, that our present risks can be appreciated. It ought to be remembered, therefore, that when the fate of Constantinople trembled; when every object gained by the Crimean War was threatened with extinction; when the Ottoman Assemblies were dispersed; when the Grand Duke was endeavouring to force his body-guard upon the Sultan; when Russia might, at any moment, have become the mistress of the Dardanelles; when Parlia-

ment was agitated, night by night, upon the subject, the right hon. Gentleman was so distinctly seen to have promoted this unhappy situation, that his house and life were in considerable jeopardy. In this extraordinary juncture there was nothing to deceive the masses who assailed him. Their vehemence was founded on their knowledge. They were inflamed, because they were enlightened. They saw the peril of Constantinople to involve humiliation of their country. They knew the right hon. Gentleman to be the author of the one and of the other. Reflection of this kind on what occurred two years ago would be, no doubt, uncalled for and objectionable, unless I was enabled at once to point to its connection with the difficulties which surround us. Let it be granted that every idea of retribution or of justice should be thrown out in estimating or in contemplating Ministers. Let it be granted that utility or prudence is the only rule in their selection.

THE MARQUESS OF HUNTLY rose to Order. He saw nothing whatever in the Motion that bore on the condition of the East. The noble Lord was moving for a Return of the killed and wounded in the War between Russia and Turkey.

LORD STRATHEDEN AND CAMPBELL: If the noble Lord will listen to my observations, he will find they have a direct bearing on the Motion. The course which I have traced, the speeches I advert to, are the immediate source of the effects which now embarrass and endanger. Russia is encouraged in every form of restless aspiration by the conviction—it may be pushed too far—that she has in Downing Street a firm ally to be depended on. The condition of Armenia—well known to the House—suggests a pretext for advancing from the recent acquisitions, Kars and Batoum, to the Gulf of Scanderoon. In this way the Mediterranean is commanded, and results arise almost equivalent to those the tenure of Constantinople would occasion. It is not easy for the most industrious thinkers upon Eastern policy to invent a barrier to any such encroachment. The reform of local institutions would, of course, annihilate its pretext. But it is vain to take away the pretext, when you offer the temptation which resides in the official power of the right hon. Gentleman. By that circumstance, the elements which form the chronic

hazard of the Ottoman Dominion have gained an impulse never previously communicated. Greece is led to think that she may enter on aggression with connivance. The Prince of Montenegro knows that he will win the favour of Great Britain by the very conduct which she formerly retarded. The Prince of Bulgaria has learnt, without the forms of a despatch, that he may now, with little prospect of rebuke, encourage Russian officers who flood over his territory, or sow disorder from the Balkans to Adrianople, or claim the independence which the other Vassals have arrived at, or enter into any other controversy with the Sultan. Austria and Germany, having recently withdrawn from the embrace of Russia, are convinced by the language I have pointed to that the sooner they return to it the more Great Britain will applaud them. If Mr. Goschen is instructed to demand the revival of the Ottoman Assemblies—which he is in a subordinate despatch—the Russian Embassy, who must oppose it to the utmost, have only to explain to the Sultan—his ear may be too open to the counsel—that the Leader of the British Cabinet has held them up to execration; that his real opinion was declared in 1877; that the conversion is as simulated as the anathema was final. Until some change occurs it is difficult to see in what manner the least advance to safety in these questions can be hoped for. It may be said that these remarks, however just, are useless for their purpose. It is not, indeed, within the range of facts or arguments to modify a Government. But facts and arguments are not entirely thrown away, if many groups are seen to have a just dissatisfaction with something recently and unexpectedly and violently forced upon them. I need not touch on those who have been faithful to the opinions of the late Lord Palmerston, by which, in 1856, our policy was guided. They cannot have a stronger duty than to close the usurpation which weighs upon them at this moment, and which of all men Lord Palmerston would have most strenuously resisted. But many noble Lords who sit upon the Treasury Bench are equally entitled to regret it, since it identifies them with language which they never held, with conduct which they may have frequently, however ineffectually, deprecated. But it exposes to far more mani-

Lord Stratheden and Campbell

fest injustice the Government which terminated at the General Election. To what arraignment were they open? It was that they had feebly contended with the new Holy Alliance. The right hon. Gentleman never once aspired to resist it. It was that they had insufficiently restrained, or not succeeded in averting, the hostilities which followed. The right hon. Gentleman did his utmost to precipitate them. It was, again, that they allowed the Treaties of 1856 to languish in abeyance. The right hon. Gentleman had defied them altogether. It was, again, that at Berlin they sanctioned perilous concessions. The right hon. Gentleman would have sent them to the Congress without a tithe of the inadequate authority they exercised. If the verdict of the General Election against the late Government was just—as I maintain, having endeavoured to promote it—it has led to a conclusion utterly untenable in reason as well as fraught with inconveniences to Europe and perils to Great Britain. The present moment seems to me to be well chosen for a Notice of this kind, because two objects had to be considered. One was to allow the effervescence of Mid Lothian to pass over; the other to prevent society from being too long habituated to the Government in the form which it has assumed, and also to prevent complete oblivion of the facts which show that form to be much more than inadmissible. A task so painful ought to be as long as possible delayed. But, in a short time, the lassitude of Parliament commences. The moment it sets in, everything seems more tolerable than exertion to correct it. If no sort of protest is initiated before that time arrives, we may be led to accede to the present state of things as a stroke of fate, or an incurable disorder. Some noble Lords who share these views may urge that a Motion against the actual formation of the Government would have been a more legitimate proceeding. But there were several objections to it. If carried in this House, it might be counter-balanced in the other. It would involve debate and controversy with the noble Lord upon the Treasury Bench, which I am far from wishing to encounter. As it is, they are not bound to justify the right hon. Gentleman or acquiesce in the opinions I have stated. The Motion, I submit, may be accepted without a judgment one way or the

other. It is for a Return which two Embassies can furnish, which has much historical importance at this moment, and which, when it is borne in mind how much the right hon. Gentleman was the promoter of the recent War, enables us to trace at least a portion of his great responsibility. The course I have pursued involves considerable hazard, because in this House the right hon. Gentleman can look to Prelates he has nominated, Peers he has created, men in Office he has chosen. It seems to me, however, to be a law which runs through history, that unless someone is prepared to sacrifice himself, usurped dominion and irregular authority, however fatal, cannot easily be limited. On what grounds their limitation is required in the present instance need not further be insisted on. It is the first step to that repose on Eastern matters to which, after its long fatigues, the country is entitled. The noble Lord concluded by moving for the Return of which he had given Notice.

Moved, "That there be laid before this House, Return of the numbers of killed and wounded in the late War between Russia and the Porte."
—(*The Lord Stratheden and Campbell.*)

EARL GRANVILLE: My Lords, I own I feel some difficulty in dealing with the speech which we have just heard, and in knowing what point the noble Lord opposite (Lord Stratheden and Campbell) wishes me to reply to. On the 19th of last month the Notice which stands in the noble Lord's name attracted my attention on the Papers of your Lordships' House. I saw by it that the noble Lord proposed on the Monday following to call attention to speeches delivered by Mr. Gladstone three years ago. I came down on that day in the hope that I should be able to learn the drift of the noble Lord's argument, but learnt from the Clerk at the Table that the Motion was postponed till the Monday after. Well, I came down on that day, and was again informed that there had been a further postponement. I make no complaint of that for myself, because it is my duty to come down every day; but complaints have been made by other Peers who may come down, or not come down, according to the bill of fare on your Lordships' Minutes, and I must say that I think it is inconvenient that the noble Lord

should postpone his Notices from time to time in the manner he frequently does. I gather, on the whole, that the remarks of my noble Friend were not intended to be complimentary to Mr. Gladstone; but he has paid my right hon. Friend a great and unusual compliment. He has referred to a precedent of a Peer answering a speech made in the other House of Parliament. I presume he means Lord Grey's famous attack on Mr. Canning. I would, however, remind the noble Lord that when that attack was made, Mr. Canning, who was Prime Minister, was acting and speaking in a manner of which Lord Grey did not approve; but the noble Lord has been making an address here on speeches spoken three years ago and when Mr. Gladstone was not in Office, and it would, I think, be difficult to find a precedent of any Peer, who, having neglected speeches made by a man three years ago, who, of whatever eminence, was not in Office at the time, now made them a subject of a long speech in your Lordships' House. The noble Lord concludes with a Motion for a Return which he thinks, and probably it would be, of great interest, but to the production of which I am afraid I cannot concede. How is it possible that the Foreign Office could give a list of the killed and wounded in a campaign in which we had no share, which lasted for a considerable period, extended over wide territories in Asia and Europe, and was conducted by two belligerents, one of whom, however brave in the field, is not renowned for the accuracy of her statistics? I am sorry, therefore, to say it is not in the power of the Government to furnish the information for which the noble Lord moves.

LORD STRATHEDEN AND CAMPBELL said, that it was satisfactory to find that the noble Earl the Secretary of State for Foreign Affairs (Earl Granville) had not much to say against the Notice, except that it ought to have come on 10 days sooner than it had done. He (Lord Stratheden and Campbell) hardly hoped for such a tribute to its necessity. If he had adverted to speeches delivered so long ago as 1877, it had been sufficiently explained for what public object he had done so. The Return might be obtained at once by communicating with the Ottoman and Russian Embassies in London. But if

the noble Earl objected to such a burden, as too much enhancing those his foreign policy occasioned, he would not divide the House, as the Return was not essential to the purpose he had aimed at.

Motion (by leave of the House) *withdrawn*.

TREATY OF BERLIN—GREECE AND TURKEY—RECTIFICATION OF THE FRONTIER.

QUESTION. OBSERVATIONS.

THE EARL OF DUNRAVEN, in rising to ask, Whether Her Majesty's Government have come to any determination as to what steps are to be taken, with or without the other Powers represented at the late Conference at Berlin, in the event of the Porte declining or neglecting to be guided by the decision of that Conference; and, further, to ask, whether, in the event of Greece receiving an accession of territory, she will in consequence become responsible for a proportionate amount of the Turkish Debt; and, if so, whether she will thereby become liable for any part of the War Indemnity due to Russia by the Porte? said, he thought that the uncertainty of the decision come to at the Conference in Berlin justified him in asking the Question which he was about to put to Her Majesty's Government. They were all aware that the Powers assembled at that Conference had come to the decision that a certain amount of territory was to be given to Greece, and they knew that the decision so arrived at was about to be made known to the Porte; but they were in comparative ignorance as to other points in connection with the decision. He believed, technically speaking, that the act of the Conference might be looked upon as an act of mediation to enable two parties, who could not otherwise agree, to come to an agreement. He thought that the words used in the Treaty were to the effect that the Signatory Powers "reserved to themselves a right of mediation" in order to facilitate the negotiations. He thought there was also a resolution passed to the effect that the Powers were prepared to adopt direct mediation. He was not aware of any difference between direct mediation and any other mediation, and it appeared to him to be only logical to

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suppose that the Powers which had reserved to themselves the right of mediation must have also reserved to themselves some right to see that their mediation was not ignored. Considering that, and considering the events which had occurred during the last few years in the East, it was impossible not to regard the decision come to by the Conference as something more than mere advice, or ordinary friendly mediation, and something which might possibly be backed up by further action. As regarded the first part of the Question, he thought it had been stated in some of the papers that if Greece obtained an accession of territory, she would be liable to a portion of the Turkish Debt. That was almost invariably the case, except with Irish landlords, who were treated somewhat differently. If so, it would be interesting to know whether Greece would be liable for any portion of the War Indemnity payable by Turkey to Russia, because becoming liable to a Power which would look after the payment was a different thing from becoming liable to individuals. He had no intention of asking the Government to state what steps they were going to take; but if the noble Earl the Secretary of State for Foreign Affairs (Earl Granville) would do so, such a statement would be interesting to the House and the country. The Government must, he supposed, know what they were going to do; and he would like to hear that they knew themselves what steps they would take, either singly or in concert with the other Powers, in the event of the recommendation agreed to at the Conference not being carried out. He, therefore, begged to ask the Question of which he had given Notice.

THE DUKE OF SOMERSET would, before the Question was answered, like to take that opportunity of asking his noble Friend, Whether he could lay upon the Table of the House a map of the country, showing the lines of rectification of the Frontier of Turkey and Greece, as the maps in the Library were not such as could be relied upon? As to Greece undertaking to pay any portion of the Debt of Turkey, he had not much to do with diplomacy; but he could not understand why Greece should pay a portion of the Debt of a bankrupt State.

EARL GRANVILLE: My Lords, the first part of the Question which the noble Earl (the Earl of Dunraven) has put to me is of an important character, and belongs to a subject concerning which not only the Government, but all your Lordships, including the noble Earl himself, take great interest. I am, therefore, sorry that I cannot give an answer which is likely to be perfectly satisfactory to him in reply to a Question which, I am bound to say, has been put in his usual clear and straightforward manner. I remember that, on entering the Foreign Office some 20 years ago, I learnt from Lord Palmerston a maxim which has always approved itself to my judgment—namely, that, except in very exceptional circumstances, it is not consistent with the duty of the Government to answer hypothetical Questions, or to describe what may be the future policy of the Government upon every possible contingency. Now, there has been a meeting of the Representatives of the European Powers at Berlin, and they have come to an unanimous decision upon one of the points of the Berlin Treaty, and the Collective Note embodying that decision will be conveyed to both Turkey and Greece, but it has not yet been presented. Certainly it is not from any want of respect to Turkey that I state that all the Powers were unanimous in thinking that they had a right to expect that that decision, when communicated, would not be disregarded by the Porte; but it is not for me to assume that the answer to the Collective Note will be a disregard of it, and then to publicly discuss what steps the Powers will be prepared to take in such a contingency. That would, as my noble Friend will upon reflection see, be an improper course for me to take. In reference to the second part of the Question of the noble Earl, I am sure he will see that it would be premature for me to say what arrangements have been come to between Greece and the Porte as to the former bearing a portion of the Debt charged upon Turkish territory; but I may say that care will be scrupulously taken in dealing with the pecuniary rights of the Government which makes the cession, and also the just rights of the landowners will be most carefully regarded, both on the grounds of equity and International Law. As to the concluding observation

of the noble Earl, I am quite unaware how in this transaction Greece can become liable to Russia for any part of the Indemnity. In answer to the Question of my noble Friend the noble Duke (the Duke of Somerset), while admitting that the common maps are very incorrect, I may say there are being prepared very accurate maps showing the rectification of territory. I hope soon to be able to present them; but, as the recommendation is a joint act, usage requires that we should obtain the permission of the other Powers before we lay those maps on the Table.

House adjourned at a quarter past
Six o'clock, till to-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 8th July, 1880.

MINUTES]—NEW WRIT ISSUED—*For Berwick upon Tweed.*

NEW MEMBERS SWORN—James Dickson, esquire, *for Dungannon.*

PRIVATE BILLS (*by Order*) — *Second Reading*—*Teign Valley Railway* *.

Second Reading—*Referred to Select Committee*—*North British Railway (Tay Bridge).*

PUBLIC BILLS—*Ordered*—*First Reading*—*Industrial Schools (Powers of School Boards) (Scotland)* * [263].

Committee—*Compensation for Disturbance (Ireland)* [232]—R.P.

Committee—*Report*—*Births and Deaths Registration (Ireland) (re-comm.)* * [245]; *Wild Birds Protection Law Amendment (re-comm.)* [253].

Report—*Inclosure Provisional Order (Llanfair Hills)* * [216].

Third Reading—*Statutes (Definition of Time)* * [225], and *passed.*

PRIVATE BUSINESS.

NORTH BRITISH RAILWAY (TAY BRIDGE) BILL (*by Order.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
“That the Bill be now read a second time.”

MR. ANDERSON said, he was well aware that it was a very unusual course

to attempt to oppose the second reading of a Private Bill in that House, and in ordinary cases he certainly would be disposed to allow such Bills to go to be considered by a Committee upstairs. But there were special circumstances under which a Member was justified in endeavouring to stop even a Private Bill at the stage of second reading, and he thought he should be able to show that this was one of the cases in which such a course ought to be pursued. He might say that the Amendment which had been placed on the Paper by the President of the Board of Trade since he (Mr. Anderson) had put his own Amendment on the Paper was in itself a sufficient justification for his opposition, because he observed that that Amendment proposed to change entirely the constitution of the Committee to which the Bill was to be referred, and to widen the Reference to that Committee in a very remarkable degree. He thought that proposal was of itself enough to show that to attempt to stop the Bill on the second reading was not unwarranted. It was hardly necessary to remind the House of the circumstances connected with the unfortunate Tay Bridge. In 1870, the North British Railway Company came to that House and got powers by an Act of Parliament to build a bridge, which was to be two miles long and to cost £350,000. Hardly anyone, at the time, believed that it could possibly be built for that sum. He had heard that it ruined the first contractor, because the sum was so small. Afterwards, the Company had to hand it over to another contractor; but what had turned out to be the case was very evident from the first—namely, that in order that any contractor might make the thing pay, the work had to be scrimped and scamped from the very beginning and all through its stages. He was informed that the Canada Bridge at Montreal was exactly of the same length—two miles—and it cost over £1,000,000 of money, and yet it was proposed to build this Tay Bridge, at a time when prices for iron were exceedingly high, for £350,000. Well, when the bridge was built, it was looked upon with considerable suspicion. Many of the inhabitants of the neighbourhood refused to travel by it; they would send their goods and coals over it, but they would not trust themselves upon it.

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Things went on safely for a time; but, on the 28th December last, a gale came that was too strong for the structure. The result was that the bridge broke down, and a train full of people was hurled down into the river—into a certain and instant death. Since then some inquiries had been going on. Mr. Rothery, the Wreck Commissioner, Colonel Yolland, and Mr. Barlow had made an inquiry, and the public had had the details from day to day. The evidence had been of the most damaging character to all concerned, and especially to the engineer. Yet, notwithstanding this, the North British Railway Company had continued to trust that engineer, and had employed him to prepare plans and specifications for the restoration of the bridge. The House had now, from the Commissioners, a Report of the circumstances. That Report was altogether of a very damaging character; and, with the leave of the House, he proposed to read a few extracts from that Report. He did not propose to go into full details, but only to quote those passages which bore most strongly upon the disaster. Some of the conclusions were—

“That the wrought iron employed was of fair strength, though not of high quality as regards toughness; that the cast iron was fairly good in strength, but sluggish when melted, and presented difficulty in obtaining sound castings.”

[The unsoundness of the castings was, no doubt, one of the causes of this misfortune, and this was produced by the employment of a very low class of Middlesbrough iron.]

“That the girders which have fallen were of sufficient strength, and had been carefully studied in proportioning the several parts to the duty they had to perform. In these girders some imperfections of workmanship were found; but they were not of a character which contributed to the accident, and the fractures found in these girders were, we think, all caused by the fall from the tops of the piers; that the iron piers, used in place of the brick piers originally contemplated, were strong enough for supporting the vertical weight, but were not of a sufficiently substantial character to sustain, at so great a height, girders of such magnitude as those which fell.”

The original idea was to build the bridge on brick columns; but, owing to some blunder in the making of the foundations, it was found necessary to make a change, and to erect iron columns instead, and those iron columns were of such bad design, and so imperfect in

construction, that they were unable to sustain the weight required of them. The Commissioners, in their Report, proceeded—

“We think that the workmanship and fitting of the several parts comprising the piers were inferior in many respects. We think that the great inequality of thickness in some of the columns, the conical holes cast in the lugs, and several imperfections of workmanship which have been ascertained by this inquiry, ought to have been prevented.”

Then they went on to point out that there was no proper supervision over the bridge after it was erected; that the ties of the cross-bracings had been tightened up and brought up to their bearings before the date of the inspection by General Hutchinson, and that the fact that so many of them became loose was an evidence of weakness in this part of the structure. Then they said—

“That notwithstanding the recommendations of General Hutchinson that the speed of the trains on the bridge should be restricted to 25 miles per hour, the Railway Company did not enforce that recommendation, and much higher speeds were frequently run on portions of the bridge. That the fall of the bridge was occasioned by the insufficiency of the cross-bracing and its fastenings to sustain the force of the gale on the night of December 28th, 1879, and that the bridge had been previously strained by other gales.”

He would not occupy the House longer upon that point; but would direct their attention to the fact that Mr. Rothery differed somewhat from his two colleagues in his Report. Mr. Rothery differed from the other Commissioners in a way which rendered him entitled to the thanks of the public. His two colleagues, while they agreed with him as to the causes of the disaster, declined to award or apportion the blame of that disaster. Mr. Rothery, however, with that moral courage which was highly creditable to him, and for which they ought to thank him in every way, boldly took the thing in hand and proceeded to apportion the blame. He said—

“I agree with my colleagues in thinking that there is no evidence to show that there has been any movement or settlement in the foundations of the piers; that the wrought iron was also fairly good, though sluggish in melting; that the girders were fairly proportioned to the work they had to do; that the iron columns, although sufficient to support the vertical weight of the girders and trains, were, owing to the weakness of the cross-bracing and its fastenings, unfit to resist the lateral pressure of the wind; that the

imperfections in the work turned out at the Wormit Foundry were due, in great part, to the want of proper supervision; that the supervision of the bridge after its completion was unsatisfactory; that, if by the loosening of the tie bars, the columns got out of shape, the mere introduction of packing pieces between the gibs and cotters would not bring them back to their positions; that trains were frequently run through the high girders at much higher speeds than at the rate of 25 miles an hour: that the fall of the bridge was probably due to the giving way of the cross-bracing and its fastenings. That the imperfections in the columns might also have contributed to the same result. These are the points, neither few nor unimportant, in which I concur with my colleagues."

Then Mr. Rothery went on to state that he thought it was their duty to call attention to certain defects in the design which rendered the structure weak and thereby contributed to its fall. He said—

"It seemed to me, also, that we ought not to shrink from the duty, however painful it might be, of saying with whom the responsibility for this casualty rests. My colleagues thought that this was not one of the questions that had been referred to us, and that our duty was simply to report the causes of, and the circumstances attending, the casualty. But I do not so read our instructions. I apprehend that if we think that blame attaches to anyone for this casualty, it is our duty to say so, and to say to whom it applies. I do not understand my colleagues to differ from me in thinking that the chief blame for this casualty rests with Sir Thomas Bouch; but they consider it is not for us to say so. The conclusion to which I have come is that this bridge was badly designed, badly constructed, and badly maintained, and that its downfall was due to inherent defects in the structure which must, sooner or later, have brought it down. For these defects, both in the design, the construction, and the maintenance, Sir Thomas Bouch is, in my opinion, mainly to blame. For the faults of design he is entirely responsible. For the faults of construction he is principally to blame, in not having exercised that supervision over the work which would have enabled him to detect and apply a remedy to them. And, for the faults of maintenance, he is also principally, if not entirely, to blame in having neglected to maintain such an inspection over the structure as its character imperatively demanded. I think, also, that Messrs. Hopkins, Gilkes & Co., are not free from blame for having allowed such grave irregularities to go on at the Wormit Foundry. Had competent men been appointed to superintend the work there, instead of its being left almost wholly in the hands of the foreman moulder, there can be little doubt that the columns would not have been sent out to the bridge with the serious defects which have been pointed out. The great object seems to have been to get through the work with as little delay as possible, without seeing whether it was properly and carefully executed or not. The Company also are, in my opinion, not wholly free from blame for having allowed the trains to run through the high girders at a speed greatly

in excess of that which General Hutchinson had suggested as the extreme limit. They must or ought to have known, from the advertised time of running the trains, that the speed over the summit was more than at the rate of 25 miles an hour, and they should not have allowed it until they had satisfied themselves, which they seem to have taken no trouble to do, that the speed could be maintained without injury to the structure. It remains to inquire whether the Board of Trade are also to blame for having allowed the bridge to be opened for passenger traffic when they did. After what has come out in the course of this inquiry, it is clear that there can be no justification in future for disregarding altogether, as it seems to have been done, the effect of wind pressure on such a structure as this. But, whether General Hutchinson is or is not to blame for having so done, Sir Thomas Bouch is not relieved from his responsibility."

Well, Mr. Rothery concluded his remarks by saying—

"Although this bridge, if properly constructed in accordance with the plans and specifications might, as we are told, have been capable of resisting a lateral pressure of from 60lbs. to 70lbs. per square foot, and a very much greater wind pressure than was probably brought to bear upon it on the evening of the 28th of December, it by no means follows that, constructed and maintained as we have seen it to have been, a very much lower pressure would not have sufficed to blow it down. With its conical bolt holes in the lugs and in the flanges of the 18-inch columns; with its lugs, shown by experiment to be unable to bear more than one third of the pressure due to their sectional areas; with the wind ties by which the columns were held in position loose, and with no effective supervision of these cast iron columns; and their attachments to see that they were doing their work properly; and with all these and the other defects to which we have called attention, can there be any doubt that what caused the overthrow of the bridge was the pressure of the wind acting upon a structure badly built and badly maintained?"

The Report, as he (Mr. Anderson) had said, was altogether of an unsatisfactory character to all parties concerned. It showed that the design of the bridge was bad, that the castings were bad—in fact, that everything connected with the bridge was defective. The blame was evidently mainly and principally due to the engineer for designing and constructing this wretched sham; but he had been knighted instead of being disgraced for building the miserable structure. The contractors were to blame for their inferior work, although they were driven to that by the inferior prices paid them; and the railway directors were to blame for paying inferior prices, and for having run trains over the bridge at a higher rate of speed than that recommended by

Mr. Anderson

General Hutchinson. The hon. Gentleman was proceeding to make further quotations, when—

MR. DODDS rose to a point of Order. The question before the House was whether they should read a second time the North British Railway Bill. The hon. Gentleman (Mr. Anderson) was making observations which seemed to him (Mr. Dodds) to be entirely addressed to the consideration of the Report which had been recently made public, and which might form a very proper subject of consideration in the House, but did not arise upon the question before them.

MR. ANDERSON said, that if the hon. Member for Stockton (Mr. Dodds) would wait a few minutes, he would see the bearing of the quotations.

MR. SPEAKER: The observations of the hon. Member for Glasgow (Mr. Anderson) are relevant to the subject matter before the House, and, therefore, they are quite in Order.

MR. ANDERSON said, the hon. Gentleman (Mr. Dodds) would soon see the bearing of the quotations upon the new Bill that was proposed to be brought in. General Hutchinson said he would like to have an opportunity of observing the effect of a high wind upon the bridge while a train was passing over it. That was a very significant and a very prophetic statement, which showed that the danger was present in the mind of General Hutchinson, and yet General Hutchinson did nothing more than suggest it as a scientific theory; he did not seem to have attended to its probable effect on the safety of the public on whose behalf he was sent to inspect the bridge. He (Mr. Anderson) must now pass to the bearing of all this upon the new scheme. What the House had now to consider was whether, under the circumstances which he had narrated, it would allow the very same parties who were to blame to come before the House in the last month of the Session, and endeavour to rush through Parliament a Bill, not for the construction of a new bridge, with new plans, and under a new engineer, but for the patching up of this miserable broken structure. ["No, no!"] It was a simple fact, which hon. Members could satisfy themselves upon. He maintained that it was contemplated by the Bill to patch up the old bridge. He had examined the plans and specifications, and he found they were signed by Sir Thomas

Bouch. That was sufficient proof that what he said was correct. What happened to the bridge in December last was enough to show that the House ought not to intrust the same architect with its restoration. His reason for opposing the Bill was that there was not time for a Committee upstairs to sufficiently consider the difficulties they had before them in the matter. He did not regard the late disaster as an accident at all. The collapse of the bridge was a forgone conclusion; and yet the very same parties who built the bridge, who built it with such insufficient work, and with such insufficient care, now came before the House again, when some of them ought to be, he believed, standing in a criminal dock to answer for their neglect. He (Mr. Anderson) had been taunted that he was opposing the Bill in the interest of a rival Railway Company, and in the interest of the preference shareholders of the North British Railway Company, who did not approve of the Bill. He put his Notice of Opposition on the Paper after reading Mr. Rothery's Report, and before he had communicated with anybody on either side of the question. Since then he had been communicated with by both sides to a large extent. He had, however, nothing to do with all that. He had nothing to do with the interests of rival and contending railways; all he cared for in the matter was the safety of the travelling public, and it was that he imagined that the House had chiefly to care for. He thought the House ought not at that period of the Session to allow the Bill to go before a Private Committee, who could not possibly have time to consider the whole merits of the question. He begged to move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(Mr. Anderson.)

Question proposed, "That the word 'now' stand part of the Question."

MR. CHAMBERLAIN said, he had some little difficulty in understanding the relevancy of a good deal of what his hon. Friend the Member for Glasgow (Mr. Anderson) had quoted from the Report on the Tay Bridge disaster to the Motion for the second reading of the

Bill. At the same time, he must admit that that very important Report did disclose circumstances which might well make them anxious not to be too precipitate, and, above all, not to proceed upon a new undertaking of this kind without the fullest and most careful inquiry. But, on the other hand, considering the great importance of the interests which were involved, especially the great commercial interests of the town of Dundee, which was very largely dependent upon this bridge, he certainly thought it would be a very strong proceeding, indeed, to prejudice the question altogether, and to refuse to allow the matter to be considered. His hon. Friend said that, at that late period of the Session, there would not be time for such an inquiry as he desired. It would be within the competency of the Committee, if they thought it was impossible to complete the inquiry that Session, to postpone the consideration of the question; but he (Mr. Chamberlain) thought, at all events, that it would be in the interests of all concerned that at least an opportunity should be afforded for the settlement of the matter, if it could be possible. His hon. Friend had thought proper to condemn, in very strong language, the action of the Railway Company and Sir Thomas Bouch. He (Mr. Chamberlain) confessed he felt some delicacy and difficulty in adding to the burdens which he thought Sir Thomas Bouch had to bear, and especially after what had happened. But, perhaps, it might be satisfactory to the House if he said at once that he was informed that, at all events, Sir Thomas Bouch would not be responsible for the new works. He was informed that the plans and specifications had already been submitted to other engineers, and that Sir Thomas Bouch would neither sign them, nor be in any way responsible for them. He ventured to hope that, in view of the wide inquiry which the Committee would be able to make under the Instructions he proposed to move if the Bill were read a second time, that his hon. Friend would withdraw his Amendment, and that, without further discussion, they might be able to take this stage of the Bill. He might say that although an Instruction of this kind, widening the inquiry in the way he suggested, was unusual, it was not without precedent. It would be in the recollection of the

Mr. Chamberlain

House that last Session, when there was a question of some Railway Bill, in which the interests of the carriers were concerned, an Instruction to the Committee was moved in order that interests which were not directly raised by persons who had a *locus standi* before the Committee might be considered. He proposed, in the same way, to take care that although certain questions might not be directly raised by the parties who appeared by counsel before the Committee, the Committee should have these issues before them, so that they might be enabled to consider the safety of the general public as well as the merely pecuniary interests concerned. In order that the inquiry should be full, ample, and impartial, he intended to propose that the matter should be discussed before a Hybrid Committee with the usual power to send for Persons and Papers. Under these circumstances, he hoped that his hon. Friend the Member for Glasgow would withdraw the Amendment.

SIR GEORGE CAMPBELL said, that as one of the Members for a county which was by far the most affected by the Bill—the County of Fife—he asked permission to say a word or two before the question was disposed of. He certainly failed to see how the long extracts the hon. Member for Glasgow (Mr. Anderson) had read bore directly upon the present Bill. He did admit, and he was one of the first to assert, that the circumstances which had given rise to the present Bill were a great engineering scandal. It had been his lot to have a good deal to do with engineering matters in India, in connection with the government of one of the Presidencies there; and he must venture to say that if the same gross failures had taken place in connection with any of the public works of that country, the persons who were responsible for them would have been inevitably made responsible. Under those circumstances, he certainly rejoiced that Sir Thomas Bouch was not to be responsible for the new works. At the same time, he failed to see how the matter could be appropriately discussed in the House. A Committee upstairs was, undoubtedly, a more fitting tribunal in which to discuss it. In that view, he hoped that the President of the Board of Trade would so manage matters that the Committee would be able to

come to a conclusion in the course of the present Session. There would be great complaints in the County of Fife if the question remained over for another year. At the present moment they were subjected to enormous inconvenience. Their position now was much worse than it was before the bridge was originally constructed, seeing that the ford ferry arrangements had been put an end to and discontinued. They were, consequently, in a much worse condition than they were before the Tay Bridge was built. He only wished now to express a hope that his right hon. Friend the President of the Board of Trade would not make the Reference to the Committee which he had placed upon the Paper so wide that it would be almost impossible to dispose of the inquiry in the present Session. It appeared to him (Sir George Campbell) that the Reference was much wider than was necessitated by the circumstances. They knew very well the causes of the accident. They knew that it had resulted from failure and blunder in the construction of the bridge; but the President of the Board of Trade proposed to refer to the Committee much wider questions—questions as to the site of the bridge, the form of the bridge, and various other extraneous matters. He did hope that when his right hon. Friend rose to move the Instruction which he proposed to give to the Committee, he would explain that the Reference he intended to make was not of such a character that it would preclude the possibility of disposing of the whole question in the course of the present Session.

MR. C. S. PARKER said, he would ask the attention of the House only for a moment. He had to speak for the community chiefly interested in the navigation of the River Tay—the City of Perth—but as the House seemed to be agreed, he would confine himself to asking a question. He understood that it was proposed specially to charge the Committee with the important inquiry into the effects on the navigation of the river, as well as into the conditions of safety for the travelling public. He wished to ask his right hon. Friend the President of the Board of Trade, whether the result of that Instruction to the Committee would not be considerably to prolong the inquiry; and, if so, whether the expense of providing evidence

should not fall upon the public rather than upon any single community that might be most interested in protecting the navigation?

MR. ANDERSON wished to put a question to his right hon. Friend the President of the Board of Trade. His right hon. Friend was aware that there were plans and specifications deposited in the Bill Office in connection with the present scheme, signed by Sir Thomas Bouch. He (Mr. Anderson) wanted to know, if the Reference suggested by the right hon. Gentleman was agreed to, the Committee to whom the question would be referred would be no longer bound by those plans, and would be no longer in any way pledged to Sir Thomas Bouch? If he could obtain an assurance from his right hon. Friend upon that point he would be perfectly ready to withdraw the Amendment he had moved.

MR. CHAMBERLAIN wished to point out to his hon. Friend (Mr. Anderson) that the Committee would not be bound by anything that might be brought before them, but would deal with the whole question as they might think fit. He was informed that the plans were not signed by Sir Thomas Bouch. He (Mr. Chamberlain) had not seen the plans himself; but that was the information he had received. Perhaps he might be allowed to answer the other question which had been put to him. Rather more time would undoubtedly be taken up by the Bill in consequence of the Reference he intended to move, than by an ordinary inquiry before a Private Bill Committee. On the other hand, he did not see any reason why the inquiry should not be brought to a close during the present Session. As regarded the other question which had been put to him, the Committee would certainly have the power to call for evidence upon any of the matters that were within the scope of the Reference.

MR. ANDERSON said, the plans were not signed by anybody; but the specifications were signed by Sir Thomas Bouch. He begged now, with the leave of the House, to withdraw the Amendment.

MR. BIGGAR remarked, that there was one matter in connection with this Tay Bridge Bill, in regard to which the explanation of the right hon. Gentleman the President of the Board of Trade was somewhat ambiguous, and that was as to

the expense of the inquiry. The question had been raised by the hon. Member for Perth, and it seemed to him that these Scotch Gentlemen were rather disposed to get hold of all they possibly could. Seeing that this Tay Bridge was a matter in which very wealthy Corporations and Railway Companies were interested, he thought that these wealthy Corporations and these wealthy Railway Companies ought to be able to bear the expense of the inquiry without an appeal to the charity of the British taxpayers.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* to a Select Committee of Seven Members, Four to be nominated by the House and Three by the Committee of Selection.

Ordered, That it be an Instruction to the Committee that they have power to inquire and report as to whether the Tay Bridge should be rebuilt in its present position, or whether there is any other situation more suitable, having due regard to the safety of the travelling public and the convenience of the locality.

That their special attention be directed to the interests of the navigation, and that the height of the bridge shall be so fixed as not injuriously to interfere with the river navigation.

That they shall consider generally in what way any bridge that may be authorised should be constructed so as to secure its permanent safety.

Motion made, and Question proposed,

"That the Reports of the Court of Inquiry held by the direction of the Board of Trade, and also the Report of Mr. Rothery, on the Tay Bridge disaster, together with the evidence taken by that Court, be referred to the Committee."—(*Mr. Chamberlain*.)

SIR ALEXANDER GORDON said, he had an Amendment to move to the Resolution just moved by the right hon. Gentleman the President of the Board of Trade. It was a very short one. It was—

"And that the Report of General Hutchinson to the Board of Trade, dated the 5th day March 1878, relative to the opening of the Tay Bridge for passenger traffic, be also referred to the Committee."

It appeared to him (Sir Alexander Gordon) most important that that document should be officially referred to the Committee by the House, as well as the Reports of Mr. Rothery and other Gentlemen, for it appeared that the accident

Mr. Biggar

had arisen in consequence of the deviation by the directors from the Orders of the House. He would read four lines of Clause 6 of the Act authorizing the construction of the Tay Bridge. It was as follows:—

"Notwithstanding anything contained in this Act or the deposited plans, the number and position of the piers of the bridge across the Tay, and the width and the height of the openings between the piers shall be such as shall be prescribed by the Board of Trade."

The accident had arisen in consequence of the deviation from the deposited plans approved by the House; and it was most important that the Committee about to examine the question should ascertain whether the Board of Trade did authorize that deviation from the plans or not. When a Private Bill was approved by Parliament, he thought it was their duty to see that their Orders were obeyed. The deviation from the plans in his case was the cause of the disaster; and unless the Committee had full power to go into the question it would be evaded and shirked altogether. In fact, the Board of Trade and their officers were quite as much on their trial as the Railway Company; and he hoped there would be a full and searching inquiry in the interests of the public. The Railway Inspectors of the Board of Trade constituted a Department, as the House well knew, which cost about £7,000 a-year; and it had been established simply for the purpose of guaranteeing the safety of these railways and bridges beforehand for public traffic, and it showed a serious defect in their arrangements that such a disaster could occur after a railway had been reported safe for public traffic by a gentleman appointed and paid for that special duty. He hoped that the right hon. Gentleman would consent to add this to his Instruction, in order that the public safety might be properly secured in future.

MR. SPEAKER: Does any hon. Gentleman second the Amendment?

MR. BIGGAR begged leave to do so.

Amendment proposed,

At the end of the Question, to add the words "and that the Report of General Hutchinson to the Board of Trade, dated the 5th day of March 1878, relative to the opening of the Tay Bridge for passenger traffic, be also referred to the Committee."—(*Sir Alexander Gordon*.)

Question proposed, "That those words be there inserted."

MR. CHAMBERLAIN said, he could not help thinking that the line chosen by his hon. and gallant Friend (Sir Alexander Gordon) was a little inconvenient. He (Mr. Chamberlain) thought that it would be altogether out of place in that inquiry to enter into a discussion of the operations of the Board of Trade and the conduct of its officers in connection with the Tay Bridge disaster. His hon. and gallant Friend had mistaken the scope of the inquiry to be conducted by the Committee. It was not to be a judicial Committee to decide who was to blame for the Tay Bridge disaster; but a Committee to decide engineering and commercial questions connected with the proposal for re-establishing that bridge. If he were to accept the proposal of his hon. and gallant Friend it would be quite certain that they would not be able to conclude the inquiry that year. Under those circumstances, he must object to make the proposed addition.

SIR ALEXANDER GORDON said, that, by the leave of the House, he would withdraw the Amendment. He wished to explain that an hon. Friend on his right took off his hat to second the Amendment before the hon. Member for Cavan (Mr. Biggar) rose; but the Speaker did not happen to see him.

Amendment, by leave, *withdrawn*.

CAPTAIN AYLMER said, he quite approved of the course which had been adopted by the Board of Trade; but he wished to call attention to one clause of the Instruction which said that they should consider generally in what way any bridge that might be authorized should be constructed so as to insure its permanent safety. He thought that that was throwing upon the House the responsibility of the bridge in future; and he did not think that it was a responsibility that they ought to undertake.

Main Question put, and *agreed to*.

Ordered, That the Reports of the Court of Inquiry held by direction of the Board of Trade, and also the Report of Mr. Rothery, on the Tay Bridge disaster, together with the evidence taken by that Court, be referred to the Committee.

Ordered, That the Committee have power to send for persons, papers, and records, and that Four be the quorum of the Committee.

QUESTIONS.

WAYS AND MEANS—THE WINE DUTIES.

MR. MAC IVER asked the Under Secretary of State for Foreign Affairs, If his attention has been called to statements which have appeared in the newspapers to the effect that a movement has been set on foot in Germany for obtaining a "surtaxe d'entrepôt," whereby importations of foreign produce, viâ ports in Great Britain or Ireland, will be subjected to greater taxation than if imported direct; and, whether Her Majesty's Government has reason to believe that such a measure is in contemplation, and that we are likely to be placed at a disadvantage in trading with Germany unless the Duties upon German wines are reduced simultaneously with those upon French and Spanish wines? It was needless to ask the latter part of the Question, as he understood that it was the intention of the Chancellor of the Exchequer to abandon the idea of reducing the duty on French and Spanish wines.

SIR CHARLES W. DILKE: The statement of my right hon. Friend was, not that he entirely abandoned the intention of reducing the wine duties, but that he proposed to postpone the matter till the beginning of next Session. With respect to the Question, I have to say that a measure of this nature has been discussed in Germany; but it does not appear to have been brought before the German Legislature. The Commercial Treaty between this country and Germany contains the usual Most Favoured Nation Clause; and Her Majesty's Government do not, therefore, see how the trade between Great Britain and Germany could be placed at a disadvantage in relation to other foreign trade with that country.

NATIONAL SCHOOLS (IRELAND).

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Commissioners of National Education in Ireland gave, in 1878, to the Galway Model School, £7 4s. for doing the same Government work for which it gave only £1 2s. 8d. to the King's Inn Street Schools; and, whether

he will draw their attention to the facts and ask for an explanation?

MR. W. E. FORSTER, in reply, said, he should refer the hon. Member to the answer he gave to the hon. Member for Kilkenny a few days since on that subject. It could not be said that the same amount of work was done in the King's Inn Street School as in the Model School, where pupil teachers were trained, causing additional expense, as they were, to some extent, boarded. The school referred to was a Convent school, and, he believed, a very good school; and the payment made was about a quarter what it would otherwise be, because the teachers would not present themselves for examination for certificates of classification.

INDIA—THE FINANCIAL STATEMENT.

MR. BIRLEY asked the Secretary of State for India, Whether he will inform the House on what day he will be prepared to submit to the House the Indian Financial Statement?

THE MARQUESS OF HARTINGTON, in reply, said, that in the present state of the Business of the House he was unable to name a day on which he could make the Financial Statement. He believed it was the intention of his right hon. Friend at the head of the Government, in the course of next week, to make a proposal which would place at the disposal of the Government a larger portion of the time of Parliament; and if that proposal was adopted, and the House in the meantime made progress with the Compensation for Disturbance (Ireland) Bill, he hoped to be able to find time for making the Financial Statement before the end of the month.

RUSSIA AND CHINA—REPORTED HOSTILITIES.

MR. W. H. SMITH asked the First Lord of the Treasury, If, having regard to the present relations between Russia and China, and the recent increase of the Russian Naval force in the China Seas, it is intended to strengthen the British Squadron in those waters?

MR. GLADSTONE: Perhaps I ought to say, in replying to the right hon. Gentleman, that we have not received any confirmation of the reported defeat of the Russian Forces by the Chinese, and that the reports of such alleged defeat are not believed, so far as we are

able to understand, by the Diplomatic Representatives of either Russia or China in this country at the present time. If a war should unhappily break out between Russia and China, we should at once avail ourselves of an offer made by the Russian Government to enter into communications with us as to questions seriously affecting British interests in Chinese waters. The British Naval Force in Chinese waters is large at the present time; but the course of affairs will be closely watched by the Admiralty with a view to increasing it if necessary.

INDIA—ADMINISTRATION OF JUSTICE.

MR. PUGH asked the Secretary of State for India, Whether it is the fact that the Government of India make an annual profit on the administration of justice in civil and revenue causes and matters; and, if so, whether he can state the approximate amount of such profit?

THE MARQUESS OF HARTINGTON: The actual cost of the administration of justice, civil and criminal, is about £2,294,000. The receipts of all kinds connected with the administration of justice are about £2,320,000; so that the profit referred to in the Question is about £26,000. It is impossible to distinguish the receipts and charges under the separate heads of criminal, civil, and revenue causes and matters, as, in general, the same Courts and establishments are employed upon both civil and criminal work, and Court fee stamps are used indifferently for all cases. It is, however, the case that civil justice pays for itself and for a large part of the cost of criminal justice.

MR. BRADLAUGH—COSTS OF LEGAL PROCEEDINGS.

MR. NORWOOD asked the First Lord of the Treasury, Whether, considering that the Government have declined to introduce a Bill to amend the Law so as to remove doubts as to the legality of the affirmation taken by the junior Member for Northampton, Her Majesty's Government will, as an act of justice to the honourable Member and his constituents, instruct the Law Officers of the Crown to undertake his defence in any suit brought against him to test the validity of his affirmation?

MR. CALLAN wished, before the Question was answered, to ask the Prime Minister whether it was the intention of Her Majesty's Government to adopt the course which had been suggested by certain of the admirers of the junior Member for Northampton—namely, to remit all penalties that may be incurred by that Member; or if the right hon. Gentleman was prepared to state that the Government would allow the law to take its course?

MR. GLADSTONE: No application has been made to Her Majesty's Government by any admirer of the junior Member for Northampton with regard to the remission of penalties; and, therefore, I will pass by the Question of the hon. Member for Louth. My answer to the Question of the hon. Member for Hull (Mr. Norwood) must be in the negative. We consider that any return of a Member made by any constituency of this country must necessarily be made, and understood by them to be made, subject to the conditions of the existing law. To ascertain the application of those conditions in any particular case is no part of the duty of the nation at large, or of the Government. With respect to any questions as to the alteration of the law, that is not to be considered with regard to the case or claim of the particular individual, but on the grounds of general policy, on which it will have to be decided by the House.

MR. BRADLAUGH asked the indulgence of the House to be allowed to say that the Question which had been put was made without any communication with himself. He had no doubt as to the legality of the Affirmation which he had made; and he had had no communication whatever, directly or indirectly, with the Government on the subject.

DISTRESS (IRELAND)—RELIEF WORKS.

MR. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will state what progress has been made with the proposed public relief works in Lowfark, county Mayo, and in the baronies of Gallen and Costello generally; if any steps have been taken on the recommendation of Dr. Bourke, Local Government Board Inspector, and the paid guardians of

the Swinford Union, to deepen the bed of the river at Charlestown; and, if he can state whether the fever has been checked in its progress in the various parts of Mayo where it has shown itself? I hope that the House will allow me to state that since I gave the Notice on the Paper which I have just read, I have received intelligence from both private and public sources that the fever is much more serious than I thought. The right hon. Gentleman will recollect that on Thursday I called his attention to the letter of the Bishop of Achonry on the subject, and I propose to add some information from him with regard to the want of a sufficient staff of workhouse officials in the West. I would ask the right hon. Gentleman whether he is aware that owing to the insufficiency of the workhouse staff in that part of the country the parish priest of Charlestown had to undertake the duties of nurse and doctor as well as of clergyman, and had to carry out in his arms, in fever-stricken places, men into carts provided by the charity of himself and his neighbours to be conveyed to the workhouse; and, also, whether, in numerous sections of the country, no one could be found to act as undertakers for the interment of the poor except the nuns of the convent?

MR. FINIGAN: I beg to ask my Question at the same time. It is to ask the Chief Secretary, If his attention has been officially, or otherwise, called to a letter from the Right Reverend Dr. MacCormack, Bishop of Achonry, to His Grace the Most Reverend Dr. Cooke, Archbishop of Cashel, and published in the "Freeman's Journal" of the 6th inst., in which it is stated that fever is spreading in certain parts of Ireland; and, if so, is the Government prepared to at once send medical, or has it already sent assistance and special financial aid to the affected districts?

MR. W. E. FORSTER: In reply to the Question of the hon. Member for Mayo, I will first answer him as to the question of works. 58 works have been authorized in Gallen at an estimated cost of £4,311, of which £2,047 has been issued; 72 works have been authorized in Costello, at an estimated cost of £3,843, of which £3,036 has been issued; and nine of the works in the barony of Costello are in the parish of Kilbeagh, which appears to be the

locality referred to as Lowfark, and the amount authorized to be expended on them is £692. Of this £315 has been issued. The Board of Guardians stated in May last that the sewage works at Charlestown could not be undertaken until an obstruction existing in the river in the County Sligo and Union of Tobercurry was first removed. The Vice Guardians and the dispensary medical officer concur in this opinion. With regard to the question as to the state of fever in these districts, we have ordered two special Medical Inspectors to go down to inquire into the subject, and they have gone down. I am expecting every day a Report with respect to Swinford and other parts of Mayo, and as soon as I get it I will give the information to the House. We have not only done that, but we have sent positive orders to the Guardians and to our Inspectors to see that no delay takes place in giving medical assistance or seeing what can be done to supply fresh food, or a change of food, or such food as is wanted to prevent the spread of fever, and any other steps it may be advisable to take. I have received rather more encouraging reports lately; but I have not got positive statements from Mayo which I might give to the House. I have had a report of the state of the fever in Dromore, in Sligo, which I will put on the Table of the House to-night, and it is encouraging to a considerable extent. The other Questions of the hon. Member for Mayo are of such a nature that I cannot answer them at once, and I would ask him to put them again.

ARMY—QUARTERMASTERS OF ARTILLERY.

MAJOR NOLAN asked the Secretary of State for War, If the subject of pay, promotion, and retirements of Quartermasters of the Royal Artillery is under his consideration; and, whether any and what measures are proposed to ameliorate the condition of these officers?

MR. O'SHAUGHNESSY asked the Secretary of State for War, If any steps are to be taken to remedy the grievances affecting the regimental Quartermasters of the Army; and, if so, whether he can state when such steps will be taken?

MR. CHILDERS: I have to say that the alleged grievances of the Quartermasters of the Line and of the Artillery

form one of the very numerous questions which I found undecided by my Predecessors when I took Office. It has features of much difficulty and intricacy; but, considering the multitude of these questions and their relative importance, I cannot undertake to say when that of the Quartermasters will be ripe for settlement. It will receive in due time my best attention.

BRITISH BURMA—CONSUMPTION OF OPIUM.

MR. PEASE asked the Secretary of State for India, Whether he has received a Copy of a Memorandum forwarded in the Spring of this year by C. U. Aitchison, esquire, Chief Commissioner of British Burma, to the Government of India, on the consumption of opium in British Burma?

THE MARQUESS OF HARTINGTON, in reply, said, that the Paper in question had not been received by the India Office.

BOROUGH BOUNDARIES.

MR. P. A. TAYLOR asked the President of the Local Government Board, Whether the Government contemplate the introduction of a measure to facilitate the extension of Borough Boundaries for Municipal and Sanitary purposes; and, if not, whether the Government is willing to recommend the appointment of a Royal Commission to inquire into the subject?

MR. DODSON: The matter is one of considerable difficulty, in consequence of the political considerations incidentally mixed up with it, and the Government have not yet had sufficient time to consider whether it would be practicable or desirable to effect an extension of borough boundaries, otherwise than by local Acts. At the same time, it is very desirable from a sanitary point of view that further facilities should be given for this purpose, and attention shall be given to the subject during the Recess. The information at present available will probably be found sufficient to enable the Government to arrive at a decision; and it does not, therefore, at present appear necessary to recommend the appointment of a Royal Commission to inquire into the matter.

Mr. W. E. Forster

NAVY—NAVAL RESERVES.

CAPTAIN PRICE asked the Secretary to the Admiralty, Whether his attention has been called to the Report of Admiral Phillimore on the Naval Reserves. in which he states as follows :—

“The force (Coast Guard) on shore was meant in 1869 to be maintained at 4,300.

“On my relieving Sir W. Tarleton, in November 1876, the numbers short were 202. The numbers now short of this are 377, as, owing to the lack of candidates, the Vote taken this year was temporarily reduced by 150;”

To what does he attribute this “lack of candidates;” and, if it is the fact that the seamen of the Navy, from whose ranks these candidates are drawn, are in receipt of an increase of pay, in which the Coast Guard do not participate?

MR. SHAW LEFEVRE: The Question put to me by the hon. and gallant Member is almost identical with that which he put to me on Monday last. I am unable now to give a fuller reply to it without entering into a lengthened and detailed statement of the pay and position of the Coast Guard, which would scarcely be possible in reply to a Question. I would also put it to the hon. and gallant Member whether it is in the interest of the Public Service that a question should be raised as to the pay of a large body of men so soon after their numbers and pay have been voted by this House with the full concurrence of both Parties.

CAPTAIN PRICE said, that of the three courses that were open to an hon. Member when he regarded a reply to his Question evasive or unsatisfactory he had adopted that of repeating his Question on a future occasion. He wished to ask the Speaker whether, in the circumstances, he was not entitled to a categorical answer to his Question?

MR. SPEAKER observed, that after the hon. and gallant Gentleman had put his Question more than once, and had received replies to it, he himself had no power to interfere in the matter.

BURLAL ACTS—BATTERSEA BURIAL BOARD—CEMETERIES.

SIR HENRY PEEK asked the Secretary of State for the Home Department, If he is aware that the proposal of the

Battersea Burial Board to purchase nearly forty acres of land near Wandsworth Common, in the parish of Wandsworth, has caused great consternation among the ratepayers, inasmuch as there are already seven cemeteries in or close to Wandsworth, and one on the borders of that parish for Battersea; that the establishment of another cemetery for a thickly populated parish would not only be prejudicial to a large amount of rateable property, but also in contravention to the intention of the Burial Acts; if he has been informed that the matter is strongly opposed by the ratepayers of Battersea on account of the large price to be paid for the land; if it be known that the land in question has a subsoil of clay; and, if he will be so good as to cause immediate and full inquiries to be made into the subject?

SIR WILLIAM HARCOURT: I have already caused inquiry to be made in this matter. Dr. Hoffman, the Inspector of Burial Grounds, has made a Report to me, the conclusion of which is that he considers it his duty to recommend that the approval of the Secretary of State should not be given to the establishment of a cemetery on the proposed site, and I may say that the site will not be approved.

NATIONAL SCHOOLS (IRELAND).—
RESULT FEES.

MR. JUSTIN M'CARTHY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that there are cases in which Result Fees awarded to Irish schools in March last have not yet been paid; and if so, whether he will take steps to prevent further delay in paying the sums overdue?

MR. W. E. FORSTER: I am informed that the number of cases in which result fees have not been paid amount to only 12 in the whole of Ireland. There are irregularities and difficulties connected with most of these cases, and the only one in which that is not the fact has been ordered to be paid.

AFGHANISTAN—RUMOURED
FIGHTING.

SIR GEORGE CAMPBELL asked the Secretary of State for India, If there is any truth in the statement in the Cabul

imperfections in the work turned out at the Wormit Foundry were due, in great part, to the want of proper supervision; that the supervision of the bridge after its completion was unsatisfactory; that, if by the loosening of the tie bars, the columns got out of shape, the mere introduction of packing pieces between the gibs and cotters would not bring them back to their positions; that trains were frequently run through the high girders at much higher speeds than at the rate of 25 miles an hour; that the fall of the bridge was probably due to the giving way of the cross-bracing and its fastenings. That the imperfections in the columns might also have contributed to the same result. These are the points, neither few nor unimportant, in which I concur with my colleagues."

Then Mr. Rothery went on to state that he thought it was their duty to call attention to certain defects in the design which rendered the structure weak and thereby contributed to its fall. He said—

"It seemed to me, also, that we ought not to shrink from the duty, however painful it might be, of saying with whom the responsibility for this casualty rests. My colleagues thought that this was not one of the questions that had been referred to us, and that our duty was simply to report the causes of, and the circumstances attending, the casualty. But I do not so read our instructions. I apprehend that if we think that blame attaches to anyone for this casualty, it is our duty to say so, and to say to whom it applies. I do not understand my colleagues to differ from me in thinking that the chief blame for this casualty rests with Sir Thomas Bouch; but they consider it is not for us to say so. The conclusion to which I have come is that this bridge was badly designed, badly constructed, and badly maintained, and that its downfall was due to inherent defects in the structure which must, sooner or later, have brought it down. For these defects, both in the design, the construction, and the maintenance, Sir Thomas Bouch is, in my opinion, mainly to blame. For the faults of design he is entirely responsible. For the faults of construction he is principally to blame, in not having exercised that supervision over the work which would have enabled him to detect and apply a remedy to them. And, for the faults of maintenance, he is also principally, if not entirely, to blame in having neglected to maintain such an inspection over the structure as its character imperatively demanded. I think, also, that Messrs. Hopkins, Gilkes & Co., are not free from blame for having allowed such grave irregularities to go on at the Wormit Foundry. Had competent men been appointed to superintend the work there, instead of its being left almost wholly in the hands of the foreman moulder, there can be little doubt that the columns would not have been sent out to the bridge with the serious defects which have been pointed out. The great object seems to have been to get through the work with as little delay as possible, without seeing whether it was properly and carefully executed or not. The Company also are, in my opinion, not wholly free from blame for having allowed the trains to run through the high girders at a speed greatly

in excess of that which General Hutchinson had suggested as the extreme limit. They must or ought to have known, from the advertised time of running the trains, that the speed over the summit was more than at the rate of 25 miles an hour, and they should not have allowed it until they had satisfied themselves, which they seem to have taken no trouble to do, that the speed could be maintained without injury to the structure. It remains to inquire whether the Board of Trade are also to blame for having allowed the bridge to be opened for passenger traffic when they did. After what has come out in the course of this inquiry, it is clear that there can be no justification in future for disregarding altogether, as it seems to have been done, the effect of wind pressure on such a structure as this. But, whether General Hutchinson is or is not to blame for having so done, Sir Thomas Bouch is not relieved from his responsibility."

Well, Mr. Rothery concluded his remarks by saying—

"Although this bridge, if properly constructed in accordance with the plans and specifications might, as we are told, have been capable of resisting a lateral pressure of from 60lbs. to 70lbs. per square foot, and a very much greater wind pressure than was probably brought to bear upon it on the evening of the 28th of December, it by no means follows that, constructed and maintained as we have seen it to have been, a very much lower pressure would not have sufficed to blow it down. With its conical bolt holes in the lugs and in the flanges of the 18-inch columns; with its lugs, shown by experiment to be unable to bear more than one third of the pressure due to their sectional areas; with the wind ties by which the columns were held in position loose, and with no effective supervision of these cast iron columns; and their attachments to see that they were doing their work properly; and with all these and the other defects to which we have called attention, can there be any doubt that what caused the overthrow of the bridge was the pressure of the wind acting upon a structure badly built and badly maintained?"

The Report, as he (Mr. Anderson) had said, was altogether of an unsatisfactory character to all parties concerned. It showed that the design of the bridge was bad, that the castings were bad—in fact, that everything connected with the bridge was defective. The blame was evidently mainly and principally due to the engineer for designing and constructing this wretched sham; but he had been knighted instead of being disgraced for building the miserable structure. The contractors were to blame for their inferior work, although they were driven to that by the inferior prices paid them; and the railway directors were to blame for paying inferior prices, and for having run trains over the bridge at a higher rate of speed than that recommended by

Mr. Anderson

General Hutchinson. The hon. Gentleman was proceeding to make further quotations, when—

MR. DODDS rose to a point of Order. The question before the House was whether they should read a second time the North British Railway Bill. The hon. Gentleman (Mr. Anderson) was making observations which seemed to him (Mr. Dodds) to be entirely addressed to the consideration of the Report which had been recently made public, and which might form a very proper subject of consideration in the House, but did not arise upon the question before them.

MR. ANDERSON said, that if the hon. Member for Stockton (Mr. Dodds) would wait a few minutes, he would see the bearing of the quotations.

MR. SPEAKER: The observations of the hon. Member for Glasgow (Mr. Anderson) are relevant to the subject matter before the House, and, therefore, they are quite in Order.

MR. ANDERSON said, the hon. Gentleman (Mr. Dodds) would soon see the bearing of the quotations upon the new Bill that was proposed to be brought in. General Hutchinson said he would like to have an opportunity of observing the effect of a high wind upon the bridge while a train was passing over it. That was a very significant and a very prophetic statement, which showed that the danger was present in the mind of General Hutchinson, and yet General Hutchinson did nothing more than suggest it as a scientific theory; he did not seem to have attended to its probable effect on the safety of the public on whose behalf he was sent to inspect the bridge. He (Mr. Anderson) must now pass to the bearing of all this upon the new scheme. What the House had now to consider was whether, under the circumstances which he had narrated, it would allow the very same parties who were to blame to come before the House in the last month of the Session, and endeavour to rush through Parliament a Bill, not for the construction of a new bridge, with new plans, and under a new engineer, but for the patching up of this miserable broken structure. ["No, no!"] It was a simple fact, which hon. Members could satisfy themselves upon. He maintained that it was contemplated by the Bill to patch up the old bridge. He had examined the plans and specifications, and he found they were signed by Sir Thomas

Bouch. That was sufficient proof that what he said was correct. What happened to the bridge in December last was enough to show that the House ought not to intrust the same architect with its restoration. His reason for opposing the Bill was that there was not time for a Committee upstairs to sufficiently consider the difficulties they had before them in the matter. He did not regard the late disaster as an accident at all. The collapse of the bridge was a forgone conclusion; and yet the very same parties who built the bridge, who built it with such insufficient work, and with such insufficient care, now came before the House again, when some of them ought to be, he believed, standing in a criminal dock to answer for their neglect. He (Mr. Anderson) had been taunted that he was opposing the Bill in the interest of a rival Railway Company, and in the interest of the preference shareholders of the North British Railway Company, who did not approve of the Bill. He put his Notice of Opposition on the Paper after reading Mr. Rothery's Report, and before he had communicated with anybody on either side of the question. Since then he had been communicated with by both sides to a large extent. He had, however, nothing to do with all that. He had nothing to do with the interests of rival and contending railways; all he cared for in the matter was the safety of the travelling public, and it was that he imagined that the House had chiefly to care for. He thought the House ought not at that period of the Session to allow the Bill to go before a Private Committee, who could not possibly have time to consider the whole merits of the question. He begged to move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Anderson.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. CHAMBERLAIN said, he had some little difficulty in understanding the relevancy of a good deal of what his hon. Friend the Member for Glasgow (Mr. Anderson) had quoted from the Report on the Tay Bridge disaster to the Motion for the second reading of the

locality referred to as Lowfark, and the amount authorized to be expended on them is £692. Of this £315 has been issued. The Board of Guardians stated in May last that the sewage works at Charlestown could not be undertaken until an obstruction existing in the river in the County Sligo and Union of Tobercurry was first removed. The Vice Guardians and the dispensary medical officer concur in this opinion. With regard to the question as to the state of fever in these districts, we have ordered two special Medical Inspectors to go down to inquire into the subject, and they have gone down. I am expecting every day a Report with respect to Swinford and other parts of Mayo, and as soon as I get it I will give the information to the House. We have not only done that, but we have sent positive orders to the Guardians and to our Inspectors to see that no delay takes place in giving medical assistance or seeing what can be done to supply fresh food, or a change of food, or such food as is wanted to prevent the spread of fever, and any other steps it may be advisable to take. I have received rather more encouraging reports lately; but I have not got positive statements from Mayo which I might give to the House. I have had a report of the state of the fever in Dromore, in Sligo, which I will put on the Table of the House to-night, and it is encouraging to a considerable extent. The other Questions of the hon. Member for Mayo are of such a nature that I cannot answer them at once, and I would ask him to put them again.

ARMY—QUARTERMASTERS OF ARTILLERY.

MAJOR NOLAN asked the Secretary of State for War, If the subject of pay, promotion, and retirements of Quartermasters of the Royal Artillery is under his consideration; and, whether any and what measures are proposed to ameliorate the condition of these officers?

MR. O'SHAUGHNESSY asked the Secretary of State for War, If any steps are to be taken to remedy the grievances affecting the regimental Quartermasters of the Army; and, if so, whether he can state when such steps will be taken?

MR. CHILDERS: I have to say that the alleged grievances of the Quartermasters of the Line and of the Artillery

form one of the very numerous questions which I found undecided by my Predecessors when I took Office. It has features of much difficulty and intricacy; but, considering the multitude of these questions and their relative importance, I cannot undertake to say when that of the Quartermasters will be ripe for settlement. It will receive in due time my best attention.

BRITISH BURMA—CONSUMPTION OF OPIUM.

MR. PEASE asked the Secretary of State for India, Whether he has received a Copy of a Memorandum forwarded in the Spring of this year by C. U. Aitchison, esquire, Chief Commissioner of British Burma, to the Government of India, on the consumption of opium in British Burma?

THE MARQUESS OF HARTINGTON, in reply, said, that the Paper in question had not been received by the India Office.

BOROUGH BOUNDARIES.

MR. P. A. TAYLOR asked the President of the Local Government Board, Whether the Government contemplate the introduction of a measure to facilitate the extension of Borough Boundaries for Municipal and Sanitary purposes; and, if not, whether the Government is willing to recommend the appointment of a Royal Commission to inquire into the subject?

MR. DODSON: The matter is one of considerable difficulty, in consequence of the political considerations incidentally mixed up with it, and the Government have not yet had sufficient time to consider whether it would be practicable or desirable to effect an extension of borough boundaries, otherwise than by local Acts. At the same time, it is very desirable from a sanitary point of view that further facilities should be given for this purpose, and attention shall be given to the subject during the Recess. The information at present available will probably be found sufficient to enable the Government to arrive at a decision; and it does not, therefore, at present appear necessary to recommend the appointment of a Royal Commission to inquire into the matter.

Mr. W. E. Forster

NAVY—NAVAL RESERVES.

APTAIN PRICE asked the Secretary of the Admiralty, Whether his attention had been called to the Report of Admiral Phillimore on the Naval Reserves. Which he states as follows:—

The force (Coast Guard) on shore was meant to be maintained at 4,300.

On my relieving Sir W. Tarleton, in November 1876, the numbers short were 202. The numbers now short of this are 377, as, owing to lack of candidates, the Vote taken this year was temporarily reduced by 150;”

What does he attribute this “lack of candidates;” and, if it is the fact that the seamen of the Navy, from the ranks these candidates are drawn, in receipt of an increase of pay, in which the Coast Guard do not participate?

R. SHAW LEFEVRE: The Question put to me by the hon. and gallant Member is almost identical with that which he put to me on Monday last. I am unable now to give a fuller reply to it without entering into a lengthened and detailed statement of the pay and position of the Coast Guard, which would not be possible in reply to a Question.

I would also put it to the hon. gallant Member whether it is in the interest of the Public Service that a provision should be raised as to the pay of a large body of men so soon after the numbers and pay have been voted by this House with the full concurrence of both Parties.

APTAIN PRICE said, that of the various courses that were open to an hon. Member when he regarded a reply to a Question evasive or unsatisfactory and adopted that of repeating his position on a future occasion. He added to ask the Speaker whether, in the circumstances, he was not entitled to a categorical answer to his Question.

S. SPEAKER observed, that after the hon. and gallant Gentleman had put the Question more than once, and had received replies to it, he himself had no right to interfere in the matter.

LOCAL ACTS—BATTERSEA BURIAL BOARD—CEMETERIES.

MR. HENRY PEEK asked the Secretary of State for the Home Department, Is he aware that the proposal of the

Battersea Burial Board to purchase nearly forty acres of land near Wandsworth Common, in the parish of Wandsworth, has caused great consternation among the ratepayers, inasmuch as there are already seven cemeteries in or close to Wandsworth, and one on the borders of that parish for Battersea; that the establishment of another cemetery for a thickly populated parish would not only be prejudicial to a large amount of rateable property, but also in contravention to the intention of the Burial Acts; if he has been informed that the matter is strongly opposed by the ratepayers of Battersea on account of the large price to be paid for the land; if it be known that the land in question has a subsoil of clay; and, if he will be so good as to cause immediate and full inquiries to be made into the subject?

SIR WILLIAM HARCOURT: I have already caused inquiry to be made in this matter. Dr. Hoffman, the Inspector of Burial Grounds, has made a Report to me, the conclusion of which is that he considers it his duty to recommend that the approval of the Secretary of State should not be given to the establishment of a cemetery on the proposed site, and I may say that the site will not be approved.

NATIONAL SCHOOLS (IRELAND).—
RESULT FEES.

MR. JUSTIN M'CARTHY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that there are cases in which Result Fees awarded to Irish schools in March last have not yet been paid; and if so, whether he will take steps to prevent further delay in paying the sums overdue?

MR. W. E. FORSTER: I am informed that the number of cases in which result fees have not been paid amount to only 12 in the whole of Ireland. There are irregularities and difficulties connected with most of these cases, and the only one in which that is not the fact has been ordered to be paid.

AFGHANISTAN—RUMOURED
FIGHTING.

SIR GEORGE CAMPBELL asked the Secretary of State for India, If there is any truth in the statement in the Cabul

correspondence of the "Times" of July 5th, viz: that, a gathering of tribesmen having taken place in a village, General Hills, formerly Governor of Cabul, despatched a cavalry brigade with orders to disperse them, and "to give the best account of them possible;" and that, on the approach of the cavalry, these people took to flight, but nevertheless they were pursued for six miles, and two hundred of them were killed; and, if the facts are at all as represented by the "Times" correspondent, whether there is not so much appearance that the officers concerned have acted in contravention of the orders of the Secretary of State prohibiting unnecessary and vindictive attacks on and slaughter of Afghans, as to render an immediate inquiry necessary?

THE MARQUESS OF HARTINGTON: I must point out, in the first place, to the hon. Gentleman that the extracts which he has read conveyed generally an accurate idea of what has taken place in the neighbourhood of Cabul. I am unwilling to take up the time of the House by reading very long documents in reply to the hon. Gentleman's Question; but when the character of our officers is attacked it is necessary that I should put the House in possession of the exact facts upon which the attack is founded. The account of the affair to which the hon. Gentleman refers is given in *The Times* of last Monday in the following words:—

"On learning that the Ghazni Field Force was returning from Char-Asiab towards this place on the 26th ult., the whole of the tribal gatherings which had collected in the Logar Valley with hostile intentions dispersed to Zurmat, Charwar, Maidan, and Wardak. The Logaris themselves had steadfastly refused to join them. Three days ago, however, the political officer, Colonel Euan Smith, learnt that under the influence of Sirdar Mahomed Hassan Khan, the late Governor of Jellalabad, the Zurmat men had again collected to the number of 800 or 900 at the large village of Padkhow, where they had been joined by the above Sirdar. It was further learnt that in this new movement Sirdars Hassim Khan and Abdullah Khan, whose flight from Cabul was noticed last week, had joined. These latter Sirdars had sent into Logar offering large rewards for men and arms, and requesting the people to assemble and await their arrival. They promised to bring a large following from the vicinity of Khoord Cabul, and stated that they would be joined by 12,000 men from Maidan. As the collection at Padkhow, therefore, seemed likely to become the nucleus of a large gathering, it was determined to break it up at once. Accordingly, General Hills

ordered a cavalry brigade, under General Palliser, to reconnoitre early on the 1st inst. towards Padkhow, directing that officer, if he found the enemy, to give the best account of them possible. The brigade consisted of the 1st and 2nd Punjab Cavalry and the 19th Bengal Lancers. On arriving at Padkhow it was found that the enemy had taken flight. They were overtaken about three miles off, trying to reach the shelter of the hills. They numbered some 800, and had been deserted, as usual, by their leaders. When they found that escape was impossible, they stood at bay and died bravely. The pursuit was continued for six miles, and 200 of them were killed."

Thus, while the statement in *The Times* is that the gathering fled on the approach of the troops, the fact is that an engagement occurred before the enemy were broken. The telegram which I received on the 7th of July from the Viceroy of India gives a somewhat different account of the affair. It is as follows:—

"Yours, 6th. Facts about Padkhow fight as follow:—On 1st July General Hills hearing of gathering near his camp at Zargun Shahr, sent out Palliser with 550 cavalry to disperse it. Palliser found the enemy 1,500 strong near Padkhow. Our cavalry attacked and broke them, pursuing some miles, and killing over 200. Our loss, three killed, Captain Barrow and 24 men wounded. Enemy were Zurmatees. Stewart thinks fight will have excellent effect. Gatherings numerous and excited greatly by private letter of negotiation with Abdurrahman. It is necessary for military security and supply not to allow ourselves to be hemmed in, and Hills was right in dispersing the Zurmatees.

The House will see that it is impossible, as long as our Forces remain at Cabul, to permit armed gatherings of the Afghan Tribes of this kind to be held in the neighbourhood. Strict orders have been issued that no unnecessary military demonstrations should be made during the stay of our troops in Afghanistan.

CLEVELAND IRONWORKS, MIDDLESBOROUGH.

MR. MACDONALD asked the Secretary of State for the Home Department, If his attention has been called to an inquest held on the bodies of three men who were killed by a fall of staging at Cleveland Ironworks, Middlesborough, a report of which appeared in the "Northern Echo" on 2nd instant; if his notice has been directed to the fact that the coroner suggested to the jury—

"That they should not add any recommendation to their verdict as to the prevention of similar

Sir George Campbell

accidents in future. There were able men at the head of the firm of Bolckow, Vaughan, and Co. who would take the matter into their consideration and devise whatever they could to prevent the recurrence of a similar accident in future ;”

whether it be true that the Coroner is himself a partner in the Linthorpe Ironworks, Solicitor to the firm of Bolckow, Vaughan, and Co., to Bell Brothers, and to many others of the Ironmakers near Middlesborough ; and, if it is customary that the legal representatives of large employers are appointed to act as coroners in the district where they may be situated, where they may be called upon to make inquiries relating to deaths that may take place at their own works, or at those they may frequently be called upon to represent in their professional character ?

SIR WILLIAM HARCOURT, in reply, said, he had received a communication from the Coroner, who stated that the report quoted in the Question of what he told the jury was inaccurate, as clearly appeared from the correct reports given by several other newspapers. What the Coroner really said was that no doubt the jury would recommend the manager of the firm of Bolckow, Vaughan & Co. to take steps to prevent the recurrence of such an accident ; but he advised them, instead of expressing an opinion as to the precise course to be adopted, to leave that to the able manager of the concern. A statement from the foreman of the jury fully confirmed this account of what the Coroner actually said. The Coroner denied that he was, directly or indirectly, interested in any of the works either as a partner or shareholder. That gentleman said he had been Coroner for many years, and no doubt as to his impartiality had ever yet been raised. Eminent solicitors were very often and very properly employed as Coroners ; indeed, they were the best men who could be found to fill the office. Of course, it constantly happened that when a person was the best solicitor in a neighbourhood he was employed by persons of all descriptions. No doubt in that sense this gentleman had been employed by individuals who required legal advice and assistance. He thought that the hon. Member's Question was founded on the inaccurate report given in a newspaper of what the Coroner said.

ARMY—THE ROYAL ARTILLERY AND ROYAL ENGINEERS.

SIR WALTER B. BARTTELOT asked the Secretary of State for War, Whether it is the intention of the Government to act on the Address of this House, during the Session of 1879, for the appointment of a Royal Commission on the grievances of the Royal Artillery and Royal Engineers ; and, if not, what steps have been or will be taken to inquire into those grievances ?

MR. CHILDERS: In reply to my hon. and gallant Friend, I have to state that when I took Office I found that, although the preliminary steps had been taken for the appointment of the Royal Commission for which an Address was voted by this House on March 14, 1879, 14 months had elapsed since that Address, and the arrangements for the Commission had not been completed. I may say that no answer had been returned to the Address, which had been carried by a majority of only one. Under these circumstances, I looked very carefully into the questions raised in the debate and in the Address itself ; and I have found that most of them were such as could be better dealt with by a Departmental Committee than by the more cumbrous machinery of a Royal Commission ; but that the most important question—that is to say, the circumstances under which Artillery and Engineer officers might be selected for commands or appointments on the General Staff—was a matter not so much for a Royal Commission or a Committee as for the Secretary of State on his responsibility. A Memorandum has been accordingly signed by His Royal Highness the Commander-in-Chief and approved by me in the following terms—

“ All appointments of general officers to districts at home or abroad, and all Army Staff appointments, will be equally open to officers of the Royal Artillery and Royal Engineers and to officers of all other branches of the Service.”

The Departmental Committee, which consists of Lord Morley, General Taylor, Colonel Sir John Stokes, R.E., Colonel Reilly, R. A., and Mr. Knox, is now making good progress.

TREATY OF BERLIN—THE BERLIN
CONFERENCE—TURKEY.

SIR H. DRUMMOND WOLFF asked the First Lord of the Treasury, Whether any communications have taken place between Her Majesty's Government and other Governments as to the employment of coercive measures towards Turkey in the event of that Power refusing to accept the recommendations of the Conference of Berlin; and, if so, whether such communications can be laid before Parliament; and, whether Her Majesty's Government, before entering into any engagements will, in the event of such measures being considered necessary, give due notice thereof to Parliament, if sitting at the time, or, in case of their being adopted during the recess, will summon Parliament to consider them?

MR. GLADSTONE: I think I need hardly remind the House that, setting apart exceptional cases, it is not usual to make announcements respecting events which are future and contingent, nor to enter into engagements with respect to such events, nor to determine, in concert with foreign Powers, beforehand, what course should be taken with regard to them. I have, therefore, no direct information to give to the hon. Member at this time on the three Questions he has put to me. I have only to say, Sir, that our policy continues to be to prosecute to the best of our ability the faithful execution and fulfilment of the conditions of the Treaty of Berlin, and to prosecute that policy in concert with the united Powers of Europe; that with respect to the gravest of the pressing questions now pending the Powers of Europe, as represented in Conference at Berlin, have in entire union arrived at a conclusion; that that conclusion, however, has not yet been formally presented to the Porte; that we have usually found that when there has been a real union between the Powers of Europe the Porte has wisely deferred to their judgment and adopted their conclusions; and that I do not think it would be just or respectful to the Porte that we should, under the existing circumstances, anticipate that that will not be the case, in answer to a Question which assumes that in the face of the conclusion unanimously arrived at by the Powers the Porte will be disposed to resist that con-

clusion. I do not think it would be consistent with deference or with justice to the Porte to foreshadow such an event. With reference to giving information to Parliament and obtaining its sanction, I am sure the hon. Gentleman will see that these are questions which do not admit of a determinate answer. We shall endeavour to be guided by the best precedents and the best understood rules of other times, and by a strict observance of public faith and a due regard to the sound and well-considered judgment of Europe.

CRIMINAL LAW—CASE OF ARTHUR
GEORGE.

MR. PASSMORE EDWARDS asked the Secretary of State for the Home Department, Whether it is correct, as reported in the papers, that, at the Cambridge Police Court yesterday a youth named Arthur George was convicted of stealing a rosebud from a garden in Madingley Road, and sentenced to three months' imprisonment without the option of a fine, the prisoner having received a recommendation to mercy from his undergraduate Sunday School teacher, who offered to pay any fine; and, if the statements are accurate, whether he will take the matter into his consideration with a view to a reduction of the punishment?

SIR WILLIAM HARCOURT, in reply, said, no more serious responsibility attached to his Office than that which called upon him to interfere with the judgment of constituted tribunals. So much interference must be exercised with caution, so as not to shake the authority of the law or of those by whom it was administered. At the same time, he must say there could be no greater error in the administration of justice than to allow a measure of punishment to be passed beyond what public opinion would support. In the present case he had received a letter from the magistrates in reply to one by himself. From this it appeared that many complaints had been made of robberies from gardens near Cambridge, and consequently a police officer was set to watch them. The prisoner, Arthur George, was caught about 4 o'clock on Sunday morning, having twice come from his house with the intention, as the magistrate believed, of committing a de-

predation. He was 18 or 19 years old, and there was another conviction against him of wilful damage to a plate-glass window. In the circumstances, the magistrates thought it desirable to inflict serious punishment on the culprit. It was worthy of remark, however, that the statement received from the magistrates did not state under what statute they passed sentence, nor what sentence they, in fact, passed. He had called the attention of the magistrates to these important omissions in their Report. If the sentence were one of three months' hard labour, he must express his opinion that it was excessive and disproportionate to the offence. Considering, however, that the offence was committed with deliberation at 4 o'clock in the morning, it certainly deserved serious punishment. Still, to sentence a boy to three months' imprisonment with hard labour for an offence of this character was, in his opinion, more calculated to excite sympathy for the offender than condemnation of the offence. He should state his opinion to the magistrates, and take measures for a mitigation of the sentence.

**ARMY (AUXILIARY FORCES) — THE
4TH EAST YORK ARTILLERY VOLUNTEERS.**

MR. NORWOOD asked the Secretary of State for War, Whether he can now state the result of the inquiry held at Hull, on the 25th ultimo, into the proceedings of the 4th East York Artillery Volunteers on the 16th June last; and, whether he is prepared to institute a searching inquiry into all the circumstances which have led to the affair above referred to, in compliance with the request made to Her Majesty's Government, by a Resolution of the Hull Town Council at a special meeting?

MR. CHILDERS: Before answering this Question I may be allowed to correct an inaccuracy in the reply which I gave to a former Question on this subject. I said that in 1879 Colonel Saner and three other officers brought certain charges against Colonel Humphrey. Colonel Saner wrote to me as to this reply, and on looking into the Papers I am satisfied that he was not one of those who preferred the charges, but that he only forwarded them. In reply to my hon. Friend, I have to state that the re-

sult of the inquiry held at Hull on the 25th of June into the proceedings of the 16th of June was that Lord Londesborough, the hon. Colonel of the regiment, whose resignation was withdrawn at my request and that of the Commander-in-Chief, went to Hull and notified, on the 5th instant, to the corps the decision that Her Majesty dispensed with the services of Colonel Humphrey and three other officers. Lord Londesborough, from whom we are receiving every assistance, has been requested to recommend a new lieutenant-colonel commandant and other officers for the present vacancies. As to my hon. Friend's second Question, I do not clearly understand what inquiry the Town Council of Hull desire unless it be that I should review my Predecessor's decisions. That I am not prepared to do; but if, when the vacancies in the corps are filled up and matters are in a more settled state, my hon. Friend will move for the Papers I think I shall be able to give them.

LORD ELCHO said, he read in the newspapers that when these officers were dismissed as the result of the inquiry they were cheered by the men upon the breaking up of the meeting. That was a grave matter as regarded discipline, and he wished to know whether it was true.

MR. CHILDERS said, he should hesitate to answer that Question without Notice. He thought he had read in the newspapers something to the effect stated by the noble Lord; but it did not appear, if he remembered rightly, in the report of the officer from York who was present on that occasion, because, as he understood, the matter occurred after the officer had dismissed the corps. Considering the present condition of affairs, His Royal Highness the Commander-in-Chief and himself did not think it necessary to institute an inquiry.

ORDER—EVICTIONS (IRELAND).

LORD GEORGE HAMILTON was about to put a Question on this subject, when—

MR. A. M. SULLIVAN said, that he noticed in the terms of the Question something which referred to what had been stated in a previous debate this Session. If that were so the noble Lord could hardly

be in Order in putting the Question, and he asked for the ruling of the Speaker on the subject.

MR. SPEAKER: I understand the object of the noble Lord's Question is to inquire whether a certain Return can be laid before the House. I do not observe in it any reference to a former debate. Any reference to what was said in a former debate this Session would be irregular.

LORD GEORGE HAMILTON asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can lay upon the Table of the House a tabulated Return of the landlords whom it is alleged have availed themselves of the present disastrous state of things to improve their estates, by adding farm to farm in order to grow sheep instead of men; such Return giving the number of farms cleared, and the increase in the value of each individual estate so consolidated.

MR. W. E. FORSTER: I am not aware of the allegation to which the Question refers having been made. It was not made by myself; and if it was made by any other Member of the Government perhaps it would have been better if the noble Lord had asked such Member. What I believe has been stated is this—that it is very desirable to prevent landlords from so availing themselves, and a Bill, of which probably the noble Lord is aware, has been brought forward for that purpose.

LORD GEORGE HAMILTON: Am I to understand that any assertion or any allegation to the effect mentioned in my Question is based upon pure assumption if the right hon. Gentleman is not able to adduce any facts?

MR. A. M. SULLIVAN: I would venture to ask the noble Lord, who was himself a Member of the late Administration, Does he mean to say that those allegations were made in this House by a Member of Her Majesty's Government this Session, because I have been informed by you, Sir, that to put such a Question would be exceedingly irregular? I now beg to ask him when and where and how the allegation was made?

MR. W. E. FORSTER: I think the noble Lord is really asking me a Question which would ultimately lead to a debate. I endeavoured to give as clear an answer as I could. I demur to any

assumption beyond the words I used. The Question would oblige me to refer to a past debate, and I cannot answer it without such reference.

MR. SPEAKER: It certainly does appear to me now, from the conversation which has taken place on this matter, that the Question put by the noble Lord does refer to a past debate of this Session. I am bound to say that any reference to what has been said in a past debate of this Session would be irregular.

MR. W. E. FORSTER said, that perhaps he might be allowed, as a matter of personal explanation, to state that he was quite ready to meet the noble Lord in debate upon the question.

CONTROVERTED ELECTIONS—NOTTINGHAM ELECTION PETITION.

MR. A. BALFOUR asked Mr. Attorney General, Whether he will lay upon the Table of the House the Shorthand Writers' Notes of the Proceedings in the Court of Common Pleas relative to the withdrawal of the Nottingham Election Petition?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, that the duty of the shorthand writer seemed to be confined to taking notes of the evidence and of the remarks of the Judges; but there were no notes in this case that could be laid on the Table.

GOVERNOR STRAHAN.

MR. ERRINGTON asked the Under Secretary of State for the Colonies, Whether he has any objection to lay upon the Table a Copy of a Despatch dated November 16th, 1877, addressed by Lord Carnarvon to Governor Strahan?

MR. GRANT DUFF: No, Sir.

THE PALACE OF WESTMINSTER—THE CLOCK IN PALACE YARD.

MR. FORESTER asked the Chief Commissioner of Works, If he would state the expenditure incurred in repairing the face of the clock in the tower of Westminster Palace looking towards Buckingham Palace, and when there is any likelihood of its being finished?

MR. ADAM: The cost of executing the necessary repairs, painting and re-gilding the west face of the clock, the

Mr. A. M. Sullivan

ironwork surrounding it, repairing the hands of the clock, the metal framework and the opal glass, has been about £240. The clock has been going since Saturday last, and the scaffolding is all down. These repairs are of a dangerous nature, and can only be undertaken during the summer months, and therefore, unfortunately, while the House is sitting. This is the first time the clock face has been cleaned since it was erected. A special scaffolding had to be designed and completed; and I cannot say that, considering the difficulty of the work, it has taken an unreasonable time to complete.

CIVIL SERVICE STORES.

MR. FINIGAN asked the President of the Board of Trade, Whether, in the event of the Treasury issuing an order in accordance with the suggestions contained in his reply to the deputation on Civil Service Stores, it is intended to make such order apply to the Civil Servants who now use their leisure time in the management of these stores; and, if so, whether it is intended to compensate these gentlemen for the loss of a large portion of their incomes, they having infringed no existing regulation of the Service?

MR. CHAMBERLAIN, in reply, said, he was still in correspondence with the members of the deputation of traders who saw him on the subject; and until that correspondence was completed he was unable to lay their wishes before the other Members of the Government or to make any statement as to the intentions of the Government in reference to the subject. But, speaking for himself, he must say he thought the active management by Civil servants on full pay of great commercial undertakings, though nominally confined to their leisure time, was not contemplated when the conditions of employment were settled; and he was of opinion that the acceptance of such responsibilities under the circumstances was exceedingly prejudicial to the public interest. He would not be inclined to recommend compensation if it were thought desirable to discourage such occupation.

MR. FINIGAN asked whether the right hon. Gentleman had given the opinion of the Government or only his own on the Question he had put?

MR. CHAMBERLAIN had stated distinctly that he expressed his personal opinion only.

ARMY—THE ROYAL WARRANT OF 1878.

MR. CHILDERS: I wish to appeal to the Chair and to the hon. and gallant Member for Clare (Captain O'Shea) on a matter which strictly has reference to the order and regularity of our proceedings. What happened was this—The hon. and gallant Member for Clare some days since put on the Paper a Notice of a Question to me, which was subsequently postponed till to-day. That Question involves a serious reflection on the action of one of the principal officers of the War Office, His Royal Highness the Commander-in-Chief. The hon. and gallant Member does not now propose to put that Question at all, and he has asked you not to call upon him to put it. The point I wish to put to you, Sir, and to the hon. and gallant Member is this—Whether, after a Question of that kind has been placed on the Paper for so many days, after it has become the subject of discussion, I believe, in every newspaper of the country, having reference to a matter of so much interest, and involving the action of an officer of so much responsibility as the Commander-in-Chief, an opportunity should not be given for answering the Question?

Captain O'SHEA did not rise to put the Question.

MR. CHILDERS: If the House wishes it I will answer the Question.

CAPTAIN O'SHEA then rose and read the following Question which stood upon the Paper—

"To ask the Secretary of State for War, Whether there is in force an Article in the Royal Warrant of 1878 which lays down that a Lieutenant General who has been, for the convenience of the Service, appointed a General for the purposes of a Campaign, may, upon the special recommendation of the Commander in Chief, be confirmed in the rank he has so held if he has conducted himself to Her Majesty's satisfaction in the Field; whether any cases have recently occurred in which the above-mentioned recommendation has been withheld; and, if so, whether any minutes or statements have been made by the Commander in Chief of his reasons for withholding such recommendation; whether any inquiries have been made by him as to the grounds on which it has been withheld; and, whether he will state in what respect the officers unrecommended, if any, have been found to have acquitted themselves unsatisfactorily of their duties in the Field?"

MR. CHILDERS: I am glad the hon. and gallant Gentleman has put the Question, although I doubt whether it is expedient to put it at all, as it relates essentially to a matter concerning the discipline of the Army and promotion in the Army, as to which it is not customary to address the House of Commons. Under the Royal Warrant of 1854, a colonel, major general, or lieutenant general, who has been allowed the temporary rank of major general, lieutenant general, or general, as the case may be, for the purpose of a command, and who has held that command and conducted himself to Her Majesty's satisfaction for five years in time of peace, or for any shorter period in war, may, under the recommendation of the Commander-in-Chief, have his temporary rank made permanent. This provision was founded upon a recommendation of Lord Hardinge's Royal Commission, who advised that colonels only who had held the temporary rank of major general should be "entitled" to have it confirmed after the qualifying service. Lord Herbert, however, in framing the Warrant, struck out the word "entitled," and extended the provisions to major generals and lieutenant generals. This provision has been continued in subsequent Warrants. When the Warrant of 1877 was under discussion it was proposed to omit this provision altogether, for a reason which I am about to explain; but my Predecessor, Lord Cranbrook, allowed it to remain, only requiring that the recommendation of the Commander-in-Chief should be "special;" and that word was accordingly introduced. The proposal to omit the provision altogether is intelligible when I inform the House that it has never been acted upon; for although officers holding temporary rank have sometimes been promoted to permanent rank, it has never been done under this clause. I find that since the provision first appeared in the Warrant of 1854 no less than 44 cases have occurred of officers of the ranks I have named having been allowed temporary rank for the convenience of the Service and for the purpose of a command. These cases include the names of Sir Hope Grant, who commanded in the last China War of 1860, Sir Duncan Cameron, and many others; but, as I have said, in no instance has the officer been promoted under this clause, al-

though, in some cases, he was promoted afterwards, under Clause 49, for distinguished service in the field. In several cases distinguished officers have applied for the Commander-in-Chief's special recommendation to confirm the temporary rank; but it has been uniformly refused. Under these circumstances, the hon. and gallant Member will, I think, not require me to describe the grounds on which these recommendations have not been made during the last 26 years. I may, however, add that it has been suggested that the word "may" in the Warrant ought to have the meaning of "shall," and that the Warrant must be interpreted as if the word "entitled," deliberately struck out by Lord Herbert in 1854, were to be found there. This serious claim, reversing the decisions of my Predecessors during the last 26 years, is now under consideration; and I have thought it necessary to take careful legal advice on the subject before acting on my authority as interpreter of Royal Warrants.

MAINTENANCE OF MAIN ROADS.

SIR BALDWIN LEIGHTON asked the President of the Local Government Board, Whether, in consequence of Her Majesty's Ministers having had no opportunity of explaining their views on the Motion of the hon. Member for Mid-Somerset as to the cost of Main Roads, he can state whether the Government intends to propose any measure on the subject for the relief of owners and occupiers?

MR. DODSON: The Government have no intention of proposing any measure with regard to main roads during the present Session; but a Committee has been appointed by the House of Lords to inquire into the whole subject of highways, and they hope to have the advantage of seeing the Report of that Committee before determining what further legislation is necessary.

EDUCATION DEPARTMENT— TEACHERS' CERTIFICATES.

BARON HENRY DE WORMS asked the Vice President of the Council, Whether, in view of the continued complaints of teachers under the Educational Department in all parts of the country, the Department will in future, before suspending or cancelling any teacher's certificate, give the teacher against whom

a charge is made an opportunity, either in person or by a representative, of learning the nature of such charge, and of making such explanations as may be necessary?

MR. MUNDELLA: On the 27th of May I stated fully, in reply to the Question of the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon), the practice of the Education Department in dealing with charges affecting teachers' certificates. I can assure the hon. and gallant Member that no certificate will be suspended or cancelled without the teacher being fully informed of the nature of the charge against him, and without the most ample opportunity being afforded him of replying thereto, and of making such explanations as he may deem necessary. I am not of opinion, however, that any good purpose would be served by personal explanations, and I am entirely opposed to the intervention of third parties.

NAVY—RE-ORGANIZATION OF THE MARINE CORPS—THE ROYAL MARINE ARTILLERY.

CAPTAIN PRICE asked the Secretary to the Admiralty, Whether it is the case that recruiting for the Royal Marine Artillery has been stopped or considerably restricted, and for what reason; also, whether the Government will give honourable Members an opportunity of considering the Report of the Committee on the Reorganization of the Marine Corps during the present Session, and before coming to a decision on the subject?

MR. SHAW LEFEVRE: The late Board of Admiralty, in November last, suspended recruiting for the corps of Marine Artillery, but not for the larger corps of Marine Infantry. Pending consideration of the questions affecting the general body of Marines, the present Board have not as yet resumed recruiting for the Artillery; but it must not be assumed from this that they have it in contemplation to abolish or extinguish this valuable and distinguished corps. With respect to the Departmental Report of the Committee, I must again repeat that I cannot say whether it will be laid on the Table of the House until the Admiralty have come to a decision upon the general questions now under their consideration affecting the whole corps of Marines.

SCIENCE AND ART—THE ROYAL SCHOOL OF MINES.

MR. DILLWYN asked the Vice President of the Committee of Council for Education, When the Return relating to the removal of the School of Mines to South Kensington, ordered in March last, will be presented to the House?

MR. MUNDELLA, in reply, said, that the Return was forwarded to the Home Office on the 2nd of July.

ARMY—HONORARY COLONELCIES.

MR. CHILDERS: I hope I shall receive the indulgence of the House in now answering a Question which I understood on Tuesday that my hon. Friend the Member for Glasgow (Mr. Anderson) told me that he intended to ask me after Notice, but which he subsequently explained that he had wished me to answer during the debate. The Question referred to details, and I manifestly could not reply to it without Notice. My hon. Friend wishes to know what honorary colonelcies of regiments are held by the Prince of Wales, the Duke of Connaught, and the Duke of Cambridge, and to which of them emoluments are attached. I find that the honorary colonelcy of the 10th Hussars is held by the Prince of Wales, and that the emoluments derived from it are £1,350 a-year; that the honorary colonelcy of the Grenadier Guards is held by the Duke of Cambridge, and that the emoluments are £2,200 a-year. All the other honorary colonelcies held by members of the Royal Family are purely honorary, and, in fact, the Duke of Connaught, when made Colonel-in-Chief of the Rifle Brigade, lost instead of gaining by the promotion. The Prince of Wales is Honorary Colonel of the Household Cavalry, and the Duke of Cambridge of the 17th Lancers, 60th Rifles, and the Ordnance Corps.

MOTION.

PARLIAMENT—NEW WRIT FOR BERWICK-UPON-TWEED.

Order [6th July] read, for the issue of a New Writ for Berwick-upon-Tweed.

LORD RICHARD GROSVENOR said, that owing to an unexpected delay the ne-

cessary formalities had not been gone through in connection with the transference of one of the hon. Members for Berwick (Mr. Strutt) to the Upper House, in succession to Lord Belper. The Writ which had been moved for that borough had, therefore, been prematurely issued. He accordingly moved—

“That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a supersedeas to the said Writ for the Election of a Member to serve, in the present Parliament, for the Town of Berwick-upon-Tweed.”

LORD RANDOLPH CHURCHILL said, the noble Lord would not be surprised if the House expected some explanation of his extraordinary, if not unprecedented, Motion. The seat became vacant only last week, and the Writ was moved for on Tuesday; but it now appeared that at that time the seat was not legally vacant. He wished to ask whether the usual steps were taken to ascertain whether a vacancy really existed; and what it was that influenced the noble Lord in moving for the Writ in such unusual haste? It was just possible that, in a town like Berwick-on-Tweed, it might be important to a party to have the election over with great speed. He was not going to make such a statement; but, at the same time, he would point out that various constructions might be put on the action of the noble Lord. At all events, the House ought to have some further information on the subject.

LORD RICHARD GROSVENOR said, that the facts were very simple. He had moved for the Writ a little too hastily, as he understood that when a vacancy occurred by the death of a Peer his eldest son immediately thereupon became *ipso facto* a Peer. He was not aware that certain formalities had to be gone through; and, if there had not been unexpected delay in this case, those formalities, which were very simple, would have been observed, and there would have been no occasion to move for the Writ of *Supersedeas*. He trusted that this explanation would be satisfactory.

Motion agreed to.

PARLIAMENT—PUBLIC BUSINESS.

SIR STAFFORD NORTHCOTE inquired what Business the Government

Lord Richard Grosvenor

proposed to take at the Morning Sitting to-morrow and on Monday?

MR. BERESFORD HOPE asked, Whether a time could be fixed for the second reading of the Burials Bill?

MR. GLADSTONE said, that the Burials Bill would not be taken next week. The Business to-morrow would depend upon the course of the debate to-night on the Compensation for Disturbance (Ireland) Bill. If it were not closed, it would be proceeded with to-morrow. If it were, then the adjourned debate on the Employers' Liability Bill would be taken.

Afterwards—

MR. GLADSTONE said, that since he had replied to the Question put to him as to the Business for to-morrow a communication had been made to him signifying a desire on the part of some hon. Members for a postponement of the adjourned debate on the Employers' Liability Bill. He had not had an opportunity of communicating with the President of the Local Government Board; and he would be excused, under the circumstances, if he withdrew the statement he had made with regard to the Employers' Liability Bill. He would, as soon as possible, fix a day for the renewal of the debate.

MR. KNOWLES hoped the adjourned debate would not be taken before Tuesday next.

QUESTIONS BY PRIVATE MEMBERS.

MR. J. COWEN said, they had now been employed close on two hours in asking Questions, and having been able to minute the time he could say that the reading of the Questions had occupied above an hour. He wished to ask Mr. Speaker if it was absolutely incumbent on hon. Members to read their Questions; because, if not, it would be a considerable saving of the time of House?

MR. SPEAKER: In answer to the inquiry of the hon. Member, I have to state that there is no absolute rule on the matter to which he refers. It has been the general practice for many years for hon. Members in putting Questions to read those Questions, and it has been generally found to be a convenient course. There is, however, as I have said, no rule on the subject.

COMPENSATION FOR DISTURBANCE (IRELAND) BILL.

MR. TOTTENHAM asked the Chief Secretary for Ireland, Whether, as much misconception existed as to the area over which it was proposed that the Compensation for Disturbance (Ireland) Bill would be operative, he would place in the Tea Room of the House a coloured map showing the extent of that area as compared with the rest of Ireland?

MR. W. E. FORSTER said, that having received from the hon. Member private Notice of the Question, he had asked for a map such as he had referred to. He might add that, as four Unions had been scheduled to parts of which only the Bill would apply, he would have to move an Amendment confining the operation of the Bill to those parts of the Unions in question. He could not say whether the map would be ready before the Bill was proceeded with in Committee.

LORD ELCHO hoped the map would be so shaded as to show the degree in which distress existed in Ireland.

ORDERS OF THE DAY.

—o—

COMPENSATION FOR DISTURBANCE (IRELAND) BILL—[BILL 232.]

(*Mr. William Edward Forster, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. W. E. Forster.*)

MR. PELL said, it would be necessary for him to refer to the principle of the Bill, and to state his reasons for placing on the Paper an Amendment which stood in his name—namely,

"That this House considers that the Compensation for Disturbance (Ireland) Bill should be limited to the case of tenants on properties where evictions have taken place since November 1st, 1879."

The practical effect of the Land Act of 1870 was to give compensation to the tenant for disturbance in all cases except the non-payment of rent. The present Bill, however, did not seek merely to qualify that principle; it constituted an

entirely new departure in legislation with respect to land in Ireland. The tenant who from any cause did not pay rent was still to regard himself as having property or interest in the soil, in respect to which he was entitled to compensation from the landlord if evicted. At this stage he would not have proposed to discuss the Bill itself at any length; but an Amendment had been given Notice of by the Attorney General for Ireland which completely altered its character, and that circumstance would be his excuse for making, on the present occasion, what he might term a second reading speech.

THE O'DONOGHUE rose to Order. He wished to know whether the hon. Member was in Order in referring to an Amendment put down for Committee before the Bill had reached that stage?

MR. SPEAKER understood the hon. Member was merely referring to the Amendment in the course of his observations, and not discussing it on its merits.

MR. PELL, resuming, proceeded to discuss the considerations which had been advanced in justification of the Bill. These were, chiefly, a scarcity of food in Ireland—not unparalleled, for in 1847 matters to his knowledge were much worse—and an inability on the part of a number of tenants to pay rent. There were other circumstances, however, which might have had something to do with the introduction of the Bill, but which had not been stated. They might, he supposed, take it for granted that there was, on the part of certain tenants, an inability to pay rent. At the same time, they could not shut their eyes to the fact that there was in the country a very general disinclination to do so. How far the expression of that disinclination had reached the ears and affected the minds of Ministers it was not for him to say; but perhaps he should not be far wrong in describing the Bill as having sprung from the unfortunate combination of a short crop of potatoes, and a strong and pronounced disinclination on the part of the people of Ireland to do what was right and honest by their landlords. Certain limitations had been set upon the operation of the Bill as to time and locality. He was about to propose another, which he trusted the House would not regard as uncalled for. The Prime Minister had spoken of the landlord in Ireland as the

natural head and protector of the tenant, and had said that the bad landlords were a mere handful in number. That being so, was it quite fair, he would ask, to tar them all with the same brush—to subject them without distinction to conditions which were almost penal in their character? The House had heard something that evening about a map which was to be produced; but he wished it could be made to show not only those districts where the crops failed, but also where the existence of bad landlords was proved by continued evictions. As for the Bill itself, there was no sufficient ground for calling the circumstances which it had been introduced to meet exceptional. Those circumstances were, as a matter of fact, the result of depending upon the potato crop, which, as a means of sustenance, was becoming more unreliable from year to year. The Government, therefore, in regarding the circumstances as temporary, would, he was afraid, find themselves grievously disappointed. The object of his Amendment, he might add, was to limit the operation of the Bill, and to confine it, as far as possible, to the cases of those landlords whose action had been such as at all times to justify the introduction of such a measure. If the Bill passed in its present shape it would have a penal effect, and would place the good landlords in an unfair and uncomfortable position in regard to their tenants. The hon. Gentleman concluded by moving his Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House considers that the Compensation for Disturbance (Ireland) Bill should be limited to the case of tenants on properties where evictions have taken place since the 1st day of November 1879,"—(*Mr. Pell*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. A. GREY: Sir, however painful it may be to me to take part in this debate, now that it has been conceded in every part of this House that the principle of the Bill under consideration is the principle of the Bill which has been introduced by my hon. Friend the Member for Mayo (*Mr. O'Connor Power*), I do not think it would be possible for

Mr. Pell

me, after I have given Notice of my intention to move the rejection of that Bill, to remain altogether silent upon this occasion. Were I so to do, I would give hon. Members the right to infer that I had not the courage of my convictions, and that my action would not be consistent with the opinions which I hold, or with the principles upon which my conduct in this House should ever be regulated. It is to me a matter of the deepest regret that I should have been compelled, by the vote which I gave against the second reading of this Bill, to have opposed a measure introduced by Her Majesty's Government, to which I feel bound by the closest ties of allegiance and of association, and of which I am proud to consider myself an humble Supporter. The same reasons which led me from the first to entertain the strongest objection to the Bill of the hon. Member for Mayo, also determined me to vote against the second reading of this Bill. I confess that I consider the Amendment of the hon. Member for South Leicestershire (*Mr. Pell*) is open to serious objection, inasmuch as it involves, although in a limited degree, the principle which is contained in the Ministerial measure. Three arguments have been advanced in favour of the proposal now under the consideration of this House. 1st, That it is the natural extension of the Land Act; 2nd, That it is a temporary measure, limited in its operation both as to time and area; 3rd, That it is desirable, even a necessity, in the interests of the Irish people, that this measure should be passed, and speedily passed, into law. I confess, that although I have listened with the closest attention to the speeches which have been delivered in defence of this Bill, I am not yet convinced that the principle which is common both to the Ministerial measure and to that of the hon. Member for Mayo is contained in the Land Act; but, on the contrary, I believe that it is directly opposed to the provisions of that measure, and that it is also in direct violation of those emphatic assurances and those express conditions under which that measure was suffered to become law.

MR. HOWARD rose to Order. He wished to know whether it was competent for the hon. Member at that stage to discuss the principles of the Bill?

MR. SPEAKER ruled that the hon. Member was in Order.

MR. A. GREY resumed: The argument by which it is endeavoured to prove that this measure is but a slight development of the Land Act is based upon the consideration of Section 9 of the Land Act in the form in which it left this House as Clause 8, and also upon the consideration of Section 18 in the form in which it stands upon the Statute Book. It is said that because under Clause 8, as it left the Commons, the Court was empowered, on special grounds being shown, to declare in the case of tenancies existing before the passing of the Act, and in the case of such tenancies only, that eviction for non-payment of rent should be disturbance by act of landlord, that it would be but a slight and natural extension of this clause to give the Court similar powers in the case of tenancies created after the passing of that Act. And again, because under Section 18, where the landlord, on the determination of a tenancy, may wish to impose upon his tenant new terms to which the tenant will not accede, the Court has power to decide whether the proposed terms are just and reasonable, or whether the tenant has reasonably refused unreasonable terms, it is contended that it would be but a small amplification of this principle if power should also be granted to the Court, not only to decide, as at present, whether the terms of a new contract not entered upon are just and reasonable, but whether it is just and reasonable that a tenant should fulfil the terms of a contract into which he has already deliberately entered. The argument, therefore, is shortly this. Because the Court would have had under Clause 8 as it left the Commons, certain power in the case of tenancies existing before the passing of the Act, it should have the same power in the case of tenancies created after the passing of the Act; and, again, because the Court now, under Section 18, has power to interfere with proposed contracts, it should have similar power to interfere with established contracts. We have been frequently reminded that Clause 8, as it left the Commons, contained a provision by which the Court was empowered to declare in the case of certain tenancies, on special grounds being shown, that eviction for non-payment of rent should be disturbance by act of

landlord; but we have not been so frequently reminded of the fact that this provision, on which so much stress has been laid, was by way of exception to the general rule of that same clause—a rule which it was the declared intention of Her Majesty's Government of 1870 to embody in the law as a part of its permanent provisions—to the effect that eviction for non-payment of rent should not be disturbance by act of landlord. Sir, the policy and reason of this exception become manifest when it is admitted that contracts entered into by the tenants before the passing of the Land Act of 1870 were made under circumstances unfavourable to the tenant, and before he was protected by the security which has since been afforded to him by the provisions of the Land Act. But once the Act had been passed, and the tenant had been relieved from conditions which were both unfair and inequitable, it was provided that he must, for the future, be absolutely responsible for the rent which he agreed to pay; and, accordingly, the Land Act, in every stage of its existence, in the form in which it left this House, in the form in which it came down from "another place," and in the form in which it stands upon the Statute Book, contained an express and unqualified declaration that in the case of every tenancy created after the passing of that Act, without any exception whatsoever, eviction for non-payment of rent should not be disturbance by act of landlord. This was, I admit, an exception to the general rule that eviction should be disturbance by act of landlord; but it was an exception so important that it is fairly entitled to be treated as one of the cardinal principles of the Land Act, and one of the chief conditions upon which that measure was passed into law. Well, Sir, I may be told that this is but my opinion, and that I am not warranted in this conclusion. That I am warranted in this conclusion must, I think, be admitted, when I show the House upon what authority I have based my opinion. For, Sir, I am supported in my contention by the Prime Minister, who, in the clearest language—which has already been quoted by my hon. Friend the Member for Stroud (Mr. Brand), and my hon. Friend the Member for West Gloucestershire (Colonel Kingscote)—declared what was the principle of the Land Act

while it was still in its progress through Parliament, and who, in the speech which he made on moving for leave to introduce the Land Bill, more than once insisted upon the fact that, from the moment the measure passed into law, every Irishman, small and great, must be absolutely responsible for every contract into which he might enter—doctrines, Sir, embodying principles as to the sanctity of contracts which I have always been taught to respect, and to which I endeavoured to point the attention of hon. Gentlemen opposite when I had the honour of moving the Address in reply to the most gracious Speech from the Throne. I have also the exposition of these principles, after the measure had become law, by one of the ablest lawyers who ever sat in this House. I allude to the late Mr. Isaac Butt, the brilliant and the distinguished Leader of that Party to which my hon. Friend the Member for Mayo belongs. Mr. Butt, in his book upon the Irish Land Act, at page 45, says—

“The rule which is to be permanently embodied in the law is stated in that portion of the 9th section which enacts that, for the purposes of this Act, ejectment for non-payment of rent shall not be deemed disturbance by act of landlord.”

And now, Sir, with this quotation in my hand, I ask you whether I am not justified in the opinion which I have stated? How can I support this opinion on higher or better authority? But if, notwithstanding all these reasons, it be said that this Bill is merely declaratory of the principle contained in the Land Act, I would ask the House to consider for one moment what must have been present to the mind of my hon. Friend the Member for Mayo, and those who act with him, when they proceeded to draft that Bill of which, when it comes up for discussion, I intend to move the rejection. How did they approach the subject? Did they propose to enlarge the Land Act by declaratory provisions? No, Sir. Let me quote from Clause 1 of the Bill of the hon. Member for Mayo—

“From the passing of this Act so much of Section 9 of the Act of 33rd and 34th years of Her Majesty, c. 46, as provides that ejectment for non-payment of rent shall not be deemed disturbance by act of landlord, shall be repealed.”

Why does the hon. Member for Mayo

Mr. A. Grey

seek to repeat so much of Section 9 as was described by Mr. Butt as a rule which was to be permanently embodied in the law? Surely not because the provisions he was about to enact were declaratory; but because they were so directly at variance with the principles and language of the Land Act that, in order to give them due effect, and as a condition precedent, it was necessary to repeal that provision of the Land Act which was directly contrary to the provision of his Bill, and inconsistent with the object which he desired to accomplish. And, in this respect, I must confess that the Bill of the hon. Member for Mayo seems to me to be even preferable to that of Her Majesty's Government; for while that hon. Member frankly admitted that the principles of his Bill were contrary to the Land Act by repealing that part of the Act which was inconsistent with the objects sought to be attained by his Bill, the Ministerial measure is so framed, and, as we have been told, advisedly so framed, as to make it appear that Her Majesty's Government do not seek to do anything contrary to the Land Act, but only desire to declare its meaning in certain cases; while the meaning they thus seek by a declaration to give to the Land Act is not only contrary to the provisions of that Act, but is also in direct opposition to the principles upon which it was based, to the avowed intentions of its distinguished author, and to the repeated and emphatic assurances of those of Her Majesty's Ministers to whose care and labour was intrusted the passing of that Act. It is further contended that this measure is only an extension of the Land Act, because, under the Land Act, in those cases where there is a determination of a tenancy, and the tenant refuses to accede to the terms of a new contract as proposed by the landlord, the Court has the power of deciding whether the new terms are just and reasonable. Therefore, it is argued that as the Courts have the power to decide whether a new rent is just and reasonable, that they should have the same power as to old rents. But the two cases are absolutely different. For while it may be reasonable for the Court to approve conditions upon which a landlord may be willing to enter upon a new contract with his tenant, it is entirely contrary to reason to allow the

Court to interfere so as practically to annul or modify the terms of a contract deliberately entered into, made, and agreed upon between two contracting parties. For what does such a proposition imply? It means that there shall be embodied in our law, as a part of our legislation, a provision by which men shall be told that there shall be an authority always existing—for I do not see how, after the arguments that have been used by Ministers in support of this Bill, this measure can remain either temporary or local—that there shall be an authority always existing ready to release men from contracts into which they have deliberately entered—a plan which, as we were told in words of solemn warning by the Prime Minister in 1870, would be more calculated than anything else—

“1st, for throwing into confusion the whole economical arrangement of the country; 2ndly, for driving out of the field all solvent and honest men who might be bidders for farms and might desire to carry on the honourable business of agriculture; and, 3rdly, for carrying widespread demoralization throughout the whole mass of the Irish people.”

I do not think it would be possible to describe in language more forcible the consequences that would be likely to ensue if such a proposition as this were suffered to become law. And now, Sir, as to the second reason—the limited scope of the Bill. This, of course is manifest. Its language is plain. But I fail to see how you can secure the limitation of a measure which is asserted by its supporters to be based upon true principles, upon principles which we are told existed in the Civil Law of Rome, and which have been adopted by the Codes of other countries. If this be true, and if, as Her Majesty's Ministers contend, this Bill is but an extension of the Land Act, how can they resist the demands of hon. Members opposite that the Ministerial measure shall be made permanent and universal? If it be the case that this measure is only an exception to a law which was passed behind the back, almost in fraud of the Irish tenant, that it is based upon principles which are just, principles which it is declared have been sanctioned by a former Parliament, I do not understand the reasons which have induced the Government to limit the operations of their Bill, nor do I understand why Her Ma-

esty's Ministers should take such especial pains to prove that it has only been introduced because of the exceptional circumstances existing in certain parts of Ireland. But, if it be the case that this Bill is not based upon those principles which should govern our legislation; but that this is an exceptional measure, introduced for the purpose of meeting exceptional circumstances, then, Sir, I equally fail to understand why Her Majesty's Ministers support it on general grounds. How, after such an admission as this, can they resist its extension to all parts of Ireland, its continuance to all time? The fact of this measure being limited, when it is supported by such arguments as these is, therefore, no recommendation to me, and can be none, I hope, to the House. But, Sir, after all, this is not a question how far this measure may be a logical and legitimate extension of a former Act, which I deny that it is. The real question before the House is, whether the condition of Ireland is such as to require the passing of such a measure as is here proposed. I do not think that anyone can sit in this House and hear the statements that are made by the Representatives from Ireland, without feeling acutely for the Irish people in their distress, and without extending to them his widest and most heartfelt sympathy. It is impossible that anyone who heard the speech of the right hon. Gentleman the Chief Secretary for Ireland, can fail to have appreciated and to have admired the earnest and almost painful desire which he showed to extend to the Irish people whatever in his opinion might be just and right; nor do I think it possible that anyone could have heard that speech without being struck by the intense difficulty of the position of Her Majesty's Government—a position in which they require to be sustained by the kind and indulgent sympathy of the House. But, Sir, while the least impressionable among us must have frequently, in the course of this debate, felt his desire to bring relief to the suffering and distressed both strengthened and increased, none the less is it our duty closely to examine the proposals of this measure, so that we may see whether they are likely to accomplish that object which we all so greatly desire to obtain. If the State is to interfere to protect a tenant from the con-

sequences that would naturally ensue from his non-fulfilment of the term of a contract into which he has deliberately entered with his landlord, in consequence of certain alleged exceptional circumstances, but not in consequence of any action of his landlord, where is the action of the State to cease when these exceptional circumstances affect the whole community? If you relieve the tenant in consequence of such exceptional circumstances, by rendering the landlord liable to pay him compensation when he requires the fulfilment of his contract, can you stop when you have done so? Must you not go further, and compensate the labourer if disturbed in his employment in consequence of the inability of the landowner to find means to pay him his daily wages by reason of the non-payment of that rent which, by the operation of this Bill, will be withheld from him? Must you not go further still, and compensate the unhappy landowner, when he is disturbed in the possession of his property by the mortgagee who will not consent to wait until 1882 for the payment of that interest which is due to him—and who, heedless of the condition of the landowner, forces a sale at a loss which may not only be ruinous to him, but to all of those helpless persons who are entirely dependent upon him, perhaps his widowed mother and his infant brother and sister? Must you not go further, and compensate the mortgagee who may himself be disturbed by proceedings in bankruptcy in consequence of his inability to meet engagements honestly entered into with his creditors on the faith of the income arising from money invested in first mortgages upon Irish land? Must you not go further, and compensate those very creditors? Must you not, in short, if you once depart from those principles which should govern your legislation, extend this State interference into every relation of life and to every form of contract? If so, then farewell to progress, to commerce, aye, to civilization itself; for, when once you encroach upon the sanctity of contracts, you shake the very foundations of society. For, Sir, the maintenance of contract is, after all, the maintenance of civilization; and, in the words of a distinguished leader of modern thought—

“The maintenance of contract is the maintenance of the fundamental principle of all life under the form given to it by social arrangements.”

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I have waited, Sir, in vain for some explanation from Her Majesty's Ministers on this point; but the difficulty has not yet been faced. We have not been told how, if this Bill is passed, the landlord who receives no rent is to pay the interest on his mortgages. The Prime Minister did make one remark upon the question of mortgages; but that remark did not, I confess, remove my apprehensions as to what may be the probable consequences of this Bill. He maintained that the argument, by which it was endeavoured to show that the result of the passing of this Bill into law would be to prevent capital being invested in Irish land in the shape of mortgages, could not be considered as a valid argument against the Bill, because, so long as 50 years ago, it was the invariable practice of English solicitors to exclude Ireland as a place of investment for moneys bequeathed by testament to be laid out on mortgages. But the question to which I wish to direct the attention of Her Majesty's Ministers at present is not whether that capital which is so much desired may be attracted to Ireland, or whether a bad security is likely to be made worse. The question which I think has not been sufficiently considered is, what do you propose to do, if it can be shown that the direct consequences of the passing of this Bill will be to bring suffering and distress upon people living in all parts of the United Kingdom who have been guilty of committing no greater error than trusting for the security of their property to the protection which has been promised them by the law? Another argument that has been brought forward in defence of this Bill is, that the Irish tenant, as compared with the English tenant, is under great disadvantages. Sir, I hold in my hand the Report of a Royal Commission—the English and Irish Law and Chancery Commission of 1863—a Commission which included among its Members the respected names of Lord Cairns, Lord O'Hagan, and Lord Selborne. I will, with the permission of the House, read from the Report itself what are the differences between the law in England and Ireland with reference to ejectment for non-payment of rent—

“The differences between the law in force in the two countries in reference to the cases in which an ejectment for non-payment of rent

may be brought may, therefore, be stated as follows:—

"In England—1. The ejectment must be between 'landlord and tenant,' and these words would not, it seems, include all the cases included by the Irish Act.

"2. One half-year's rent must be due when the writ is sued out.

"3. There must be no sufficient distress to be found on the premises countervailing all the arrears due.

"4. The landlord or lessor to whom the arrears are due must have a right by law to re-enter. He can have no such right except by virtue of some express condition or proviso for re-entry contained in the lease or agreement, or verbal letting.

"In Ireland—1. The existence of the relation of landlord and tenant in point of tenure is not necessary, provided a tenancy between the parties shall appear to exist, whether by original contract or by lawful assignment, devise, bequest, or act and operation of law.

"2. A year's rent must be due after deducting all just debts due by the landlord to the tenant at the time when the writ is sued out.

"3. The existence of a distress on the demised premises is immaterial with reference to the right to maintain the ejectment.

"4. An original right of re-entry compounded under the contract of tenancy is unnecessary, and its existence at the time of the commencement of the action in respect of the rent due is immaterial."

Sir, I am no lawyer; but I do not think it requires a specially legal training to find out, on the authority of this Commission, that the position of the Irish tenant is more advantageous than that of the English tenant in these two important particulars—first, that while in England a landlord must distrain upon a tenant before he brings the ejectment, in Ireland he need not do so; and, secondly, that while in England a writ of ejectment can be sued out when one half-year's rent is owing, in Ireland it cannot be sued out until one whole year's rent is due. I have pointed out shortly, but I hope not unfairly, some, but by no means all, the reasons why this Bill should not be allowed to pass. It is to me painful beyond description to oppose any measure which has for its avowed object the relief of that distress in Ireland which I so deeply deplore; but I feel bound to do so for the reasons which I have stated, and because I believe such a measure as this would be fatal to the true interests of Ireland, and because I am convinced that the inevitable consequences of the passing of this measure would be a state of things worse than that which we now seek to remedy. I believe that the effects of this measure

would be injurious, insomuch as they would tend to discourage the habits of thrift, by placing a premium on improvidence and bad husbandry, and by making insolvency no longer discreditable but rather advantageous. I believe, farther, that the influence which the passing of this measure would have upon the national character of the Irish would not be for the good of Ireland. It seems to me that what is really wanted to improve the condition of the Irish people is to teach them to rely upon their own exertions, and not upon the State, and to look to the State as the enforcer of the law and not as the dispenser of relief. But, while pointing out what appear to me to be some of the grave objections to the passing of this Bill, I would venture, as an earnest of the kindly sympathy which I entertain towards the poor tenantry of Ireland in their wants and in their sufferings, and as an earnest of my desire that their rights of property should be efficiently secured to them—I would venture, if I might do so, to suggest to Her Majesty's Ministers whether or no there may not be other means by which they might obtain an object at once so desirable and so merciful; whether or no it would not be possible to approach tenants in their extremity upon terms that would be welcomed by them, that would be justified by the peculiar circumstances of their condition, and which would do violence to none of those cardinal principles upon which alone civil society can depend for its existence. A national calamity has overtaken the Irish people. The question is, how shall that relief be administered which the House asserts should be extended to the distressed tenantry of Ireland? We have been told that it would be admitting a doctrine of a most dangerous character if we sought to relieve a class which had been afflicted by a visitation of God out of the funds of the whole country. We were told that Parliament frequently made use of its power, in the interests of the public good, to take property from class A and to transfer it to class B. Precedents were brought forward to prove that Parliament had, in several instances, affirmed the justice of this principle; but, in every instance which the Prime Minister quoted, the evils sought to be remedied had in no case arisen out of a visitation of God. They had in every case arisen out of the

faulty arrangements of man. I must confess, although I say it with all deference and respect, that while there may be objection, and great objection, to relieving a class which have suffered by the visitation of God out of the pockets of the State, it does appear to me to be admitting a doctrine of far greater danger, and one which can be, perhaps, used to justify acts of a revolutionary character, if you say that Parliament is only exercising its proper functions when, in consequence of an act of God, you take away the property of one class and transfer it to another, without granting any compensation in return. A national calamity has overtaken the Irish people. Should its effects be not met by a common effort, by a common sacrifice, on the part of all classes of the community, proportionate to their several capacities? Why should the landowners alone be saddled with penalties and weighed down by obligations? Cannot Her Majesty's Ministers devise some means, some plan, by which, at all events, they may meet out to the landowners the benefits of that equal treatment which the Prime Minister, the other evening, during the debate which took place on the Resolution of my hon. Friend the Member for Carlisle (Sir Wilfrid Lawson), exhorted the House to extend to the publicans, whom he admitted were no favoured objects of the State? And I would ask, even at this hour, the right hon. Gentleman the Chief Secretary for Ireland, whether, in an attempt to relieve distress, and in an endeavour to prevent the tenant from losing, owing to the exceptional badness of the seasons, that property which was created in his holding by the Act of 1870, subject always to the prompt and punctual payment of his rent, there may not be other means available, means quite as efficacious as those proposed by Her Majesty's Ministers, while they are in no degree subversive of those rights of property which it is the special function of this House to guard?

MR. PARNELL said, that the hon. Member for South Northumberland was not the first member of the ancient house of Grey who had done good service to the enemies of popular rights and progress by attacking from the Liberal ranks measures designed for the advancement of the Liberal cause. He regretted that the hon. Member, on

almost his first appearance, should have undertaken to defend a system which all careful observers admitted to have been the proximate cause of Irish famines ever since they had a land system. He did not, however, propose to follow the hon. Member in his able arguments against the Bill, because he thought that on this occasion he had been flogging a dead horse, and that the task he had undertaken, in view of what had happened since yesterday morning, was a work of supererogation. Up to yesterday morning he (Mr. Parnell) intended to vote for the Motion that the Speaker leave the Chair on the Committee stage of the Bill; but an Amendment on the Paper yesterday, under the name of the Attorney General for Ireland, had entirely changed his mind, and he could not now take the responsibility of voting or wasting the time of the House upon consideration of a measure which, if the intentions of the Government were carried out, as, of course, they would be supported with their large majority, would simply result in the passing of a useless measure. He would have voted for the Bill as it was printed. He understood the Bill to be an attempt to prevent the spirit of the Land Act (1870) from being infringed in the exceptional circumstances prevailing in Ireland. It was proposed to do that by carrying out the spirit of the 9th section of the Act of 1870 as it left that House and went up to the House of Lords. The Chief Secretary, and also the Prime Minister, had shown their desire to prevent the landlords from inflicting a wrong upon their tenants. The Bill was, indeed, inadequate; but still he should have supported it. But the Attorney General's Amendment had entirely changed the character of the Bill, and it was no longer an attempt to carry out the principle of the 9th section of the Land Act, but to amend the 13th section in such a way as to defeat in some cases the tenant's claim to compensation. In his opinion, this Bill would be utterly useless to effect the object which the Government, when they introduced it, said they had in view. It was now proposed to change the entire scope of the Bill by the Amendment of the Attorney General for Ireland. He asked the House whether it was worth while—worth all the time spent on the Bill, and all the

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fuss that had been made about it—to arrive at such an impotent conclusion? If the wish of the Government was not that which they expressed—namely, to protect the tenants who were unable to pay rent—but to get rid of this exception to the right of sale, he submitted it would have been better to have introduced a Bill for that purpose, and not to have introduced a Bill for an entirely different purpose. As the Bill was now proposed to be altered, the Bill did not protect the tenant. It gave the landlord the right to evict, and the tenant the right of sale. They knew that these small tenants had no saleable interest. How could they expect anyone to buy a small farm which was screwed down by a rack rent? From the nature of the case the tenant would have no interest to sell, on account of his having to pay a crushing rent. If they brought forward, on the other hand, a Bill to extend the Ulster Custom to the whole of Ireland as a permanent enactment, he would admit that that would be a measure worthy of consideration, and he should vote for it; but he should not accept it as a final settlement, nor as a settlement in part, of the vast questions connected with Irish land. The Amendment of the Attorney General for Ireland would benefit a large class of large tenants who were in a different position altogether from the small farmers—tenants whom the landlords did not desire to lose—it would give this class the right, and the valuable right, of sale in their holdings. If the rent of such holdings was low and the landlord was a good landlord, then the tenant would have something valuable to sell; but if the rent was high and the landlord a bad landlord, this right of sale would be worth nothing at all. He wished to point out the direction in which they were drifting owing to the impressionable nature of the Government. He did not know whether it was by the pressure from behind or before, whether it was by pressure from above or “another place,” that this extraordinary change of flank was brought about; but, whatever the motive, he would remind the Chief Secretary of the old maxim—“Unstable as water, thou shalt not excel.” It would have been better for the Chief Secretary to have waited for a while before making any definite announcement. The Bill of the hon. Member for Mayo (Mr. O'Connor Power) was

introduced, and the Chief Secretary seemed to be favourably impressed; but a demonstration *a tergo*, and he dropped it like a hot potato. Now they found that another change of front had been executed, and the Government was going to enact something entirely different from its original idea, and which something would not have the slightest effect for the protection of small tenants in the West of Ireland. It followed, of course, on this Amendment that the whole of the Land Question would have to be discussed. The partial failure of the Ulster Custom would render it necessary to introduce Amendments. They knew that bad landlords in Ulster made the custom there of no use; and, only recently, the hon. Member for Tyrone (Mr. Macartney) proposed a Bill on the subject. The Government said they could not go into that question at present, and he agreed with them; but now the Government, by this Amendment, had raised the whole question, and it would be absolutely necessary, if this Bill reached Committee, to move Amendments in the direction of the Bill of the hon. Member for Tyrone. He maintained that this Bill as now altered would result in either filling the poor-house or the emigrant ship. He could not imagine any more disastrous step than that which the Government had taken. They were extending the principle of free sale, and putting it on its trial for a purpose for which it was never intended and for which it was entirely useless. They were told there had been no anti-rent disturbances in Ulster, and that that was due to the Ulster Custom. But the Ulster Custom had done its work gradually, and, owing to its operation, it had become a recognized principle that the landlord should not raise his rent beyond a certain point, and that a certain saleable interest should be left to the tenant. He regretted exceedingly that the Government did not stand to their colours. Perhaps they were afraid that the Bill would be thrown out in “another place.” Well, he was perfectly willing to face that contingency. No great cause was ever won without suffering, and the Irish people, if they were determined to obtain a satisfactory solution of the Land Question, must be ready to suffer. They had suffered in the past, and they would have to suffer still. If the House of

Lords, in 1870, had not mutilated that 9th section, he believed that the present pressure in Ireland would never have arisen. A sort of custom would have grown up by which the landlords would have been restrained by the Courts from raising rents to an undue height. But the House of Lords deliberately cut the section out and altered the Act; and the consequence had been that the people had been driven from the Courts and had to rely on organization and agitation. The right hon. Gentleman the Chief Secretary had now been urged by some Members on the Conservative side to sit on the safety-valve, and he had done it. If the result should be that the engineer was hoist by his own petard, the weakness and vacillation he had shown would not entitle him to any sympathy.

MR. W. E. FORSTER said, he did not intend to make much allusion to the personal attack made by the hon. Member for the City of Cork (Mr. Parnell). If he was conscious of having given way to anything except his impression of what he thought it just and right to do, he should have felt it necessary to excuse himself before the House. But, as his conscience did not in the slightest degree accuse him in that respect, he passed by the hon. Gentleman's remarks, trusting that they would receive in Ireland as well as in England the attention they deserved and no more. They had had three speeches that night, all very curiously different. The speech of the hon. Member for South Leicestershire (Mr. Pell) was marked by his hon. Friend's usual moderation and practical sense. His hon. Friend stated arguments in favour of a special limitation of the scope of the Bill; but he would not, perhaps, be surprised if, after the two speeches which followed his, he did not say much about the Amendment, except that he did not think it would be possible to make that limitation. The object of their measure was not penal—it was precautionary; it was meant to guard against certain things happening, not to punish landlords for what had happened. It was intended to prevent landlords from taking advantage of the calamity of this year to take away from their tenants the property which the hon. Member for South Northumberland (Mr. Grey) acknowledged to belong to them, but the

right to which, although given by the Land Act, required to be secured to the tenants under present circumstances. The hon. Member for South Northumberland had made an exceedingly able speech against the Bill. He had not said a word about the Amendment, although he had seconded it. He could not imagine that hon. Gentleman wishing to acknowledge the Bill even so far as to try to amend its scope. He hoped that the House would not expect him to reply to the hon. Member for South Northumberland, because he did not think the hon. Gentleman had said anything fresh that night, although he had reproduced with great ability the arguments used in previous debates on the Bill. Then came the hon. Member for the City of Cork (Mr. Parnell), who said that his view was entirely altered, and that in consequence of what he called their change of front he was now opposed to the Bill, having before been prepared to support it; and the hon. Gentleman put on them great responsibility for the course they had taken. Now, he did not know what the effect of the hon. Member's opposition might be; but if its effect in the present state of feeling in the House in regard to the Bill was to prevent its passing, on the hon. Member must lie the responsibility of its not passing.

MR. PARNELL said, he did not say he should oppose the Bill. What he said was, that he should consider it perfectly useless unless with the Amendment of the Attorney General for Ireland.

MR. W. E. FORSTER said, he was very glad to have heard that statement from the hon. Member, because he understood him, in the very first sentence he spoke, to say that he would oppose the Bill. Now came the purpose of his speech. He denied that there had been any change of front either in their arguments or in their statements—either in the general purpose of the Bill, or in the explanations made to the House in support of it. The object of the measure, as he had endeavoured to state several times, had been this. They believed that, partly by the Land Act and partly by the history of Ireland, the tenant, especially the small tenant, had a proprietary right acknowledged in his holding. It was defined by the 3rd section of the Land Act. He

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must almost repeat the words he used at the close of the debate on Monday, when he said he thought the question which the House had to decide by its division was whether the landlord should be enabled to deprive the tenant of that proprietary right by taking advantage of the calamity of this year. His right hon. Friend (Mr. Gladstone) in his speech had most distinctly stated that he considered the Amendment of the Attorney General for Ireland was really included in the Bill as it had been brought forward. [Mr. PARNELL dissented.] The hon. Member shook his head. He knew that his right hon. Friend believed that he had said that, and he wondered that the hon. Gentleman, who was as acute an observer of what happened as any other Member, did not apprehend the meaning of his right hon. Friend's words, and that they got his vote at the end of the evening considering the views he now expressed. The Attorney General for Ireland had made the same statement, and they believed it was included in the Bill, because they imagined that condition must be fulfilled before the tenant could receive compensation—that was to say, that the tenant should be willing to remain on reasonable terms and that the landlord was unwilling to grant them. They had always supposed that permission to sell the proprietary right was included in that condition. That, he believed, was the only answer he could make to the charge of having changed their front. They considered that they were by the Bill preventing the small tenants from being deprived of the property they possessed in their holdings. That property which they possessed, like any other property, was a saleable property; and by offering to the landlord the alternative of giving the tenant the power to sell or of running the risk of having to pay compensation, they thought they were entirely carrying out the principle of the Land Act, which secured the tenant's right. The hon. Member conceived that it would not be a saleable property. The point might be fairly open to argument; but that was not their information, that was not the deduction they drew from the condition of Ulster, and especially of Donegal. The difference between Donegal and Mayo, neighbouring counties, appeared to be this—that, in the one case, the tenant

who had the power of selling was not turned out in hopeless poverty; and that, in the other case, he was. It was to secure, under the exceptional circumstances of this year, to the tenant out of Ulster that power of being able either to preserve his property or to get value for it, that they had brought in that Bill. Therefore, he denied that Her Majesty's Government had in any way misled the House or withdrawn from their proposal. The simple reason why the Attorney General for Ireland put this Amendment on the Table was because many hon. Members on both sides expressed their desire that the Government would put in exact words what they believed were the wishes of those hon. Members.

MR. O'CONNOR POWER said, he knew that besides the attention which his Bill had received from Members of that House, it had received almost equal attention from Members of the other House of Parliament, and the number of letters which distinguished Noblemen had found time to write to *The Times* on this Irish Land Question, especially upon his modest proposal, went far to show that the legislative machine was very unevenly balanced, and that those distinguished Noblemen must have very little to do in that "other place." He thought it was very unfortunate that the Government did not accept his proposed solution of the difficulty in Ireland. The correspondence in *The Times* on the matter began by Lord Dunraven undertaking to challenge a statement he had made, that since the passing of the Land Act landlords had forced their rents to an exorbitant point for the purpose of thus enabling themselves to get rid of their tenants without being subject to any claim of compensation. It was not every statement that was capable of demonstration. Lord Lifford promised to vote for his Bill when it went to the House of Lords, if he could furnish six instances in which landlords had been found to unduly increase rents for the purpose of ejecting their tenants. How was he to prove that that increase was effected for the express purpose he alleged? He could only infer that that was the object in many instances for which landlords had raised their rents. His hon. Friend the Member for Cork (Mr. Parnell) had given expression to considerable indignation in consequence

of the Amendment put on the Table by the Attorney General for Ireland, and though he had not the advantage of hearing the whole of his speech, he believed that unless the Government would add to that Amendment, the Amendment that stood in the name of his hon. Friend the Member for the City of Limerick (Mr. O'Shaughnessy), the course they were taking would defeat the object of their own Bill. The Amendment of the Attorney General for Ireland would be intelligible if they were legislating permanently on the Land Question; but this was a temporary Bill to give relief to tenants in distressed districts. He should like to give Notice that when they did get into Committee on this Bill, he would move to add to the Amendment which stood in the name of the Attorney General for Ireland these words—

"But the failure of the tenant to dispose of his interest owing to a want of purchasers shall not bar his right to compensation for disturbance."

MR. SPEAKER said, there were several Amendments on the Paper, and that was not the time for discussing Amendments.

MR. O'CONNOR POWER bowed readily to the observation of the right hon. Gentleman; he was quite conscious that he was trespassing on the attention of the House. The landed interest in Ireland had been crying out before it was hurt, and the whole object of this artificial outcry had been to make the Government halt in their proposal to do justice to the tenants of Ireland. If the Government were to be cowed by the timidity of their own Followers and by the violence of the Opposition, then there was no hope for the tenantry of Ireland. If they adhered to the new course they had adopted, that would be equivalent to telling the landlords and the tenants to fight it out among themselves. There could be no doubt that the Land Act had not been successful in keeping down exorbitant rents. There were many cases where an agent took notice of the bonnet or shawl that a farmer's daughter used as she went to Mass on Sunday morning, and if he found a new bonnet, or a new shawl, or a respectable dress, he went to the farmer and said, "If you can afford to dress your daughter so well, you can afford to pay me a higher rent for the farm." He objected to the prin-

ciple that the tenant should depend upon the goodwill of his landlord. Such a principle afforded no protection against a bad landlord; and the rule of bad landlords had banished 3,000,000 of the Irish people. The conflict of opinion on the subject was truly bewildering; but he would endeavour to deal with it with a due consideration of the arguments on the other side. The House had been told by the hon. Member for Stroud (Mr. Brand) and the late Attorney General for Ireland (Mr. Gibson) that the consequences of acceding to the Bill of the Government would be to encourage the hon. Member for Mayo in the work of agitation, and that a revolution, and other terrible consequences, would ensue. But, whatever harsh things he had said against the land system of Ireland, he had never been guilty of using one kind of language in the House and another elsewhere. Whether he had addressed audiences outside the House, or expressed his opinion in the Press, he had never spoken in a different manner from that which he adopted in that House. He had always denounced the land system of Ireland. The greatest evil in that system was the accumulation of the land of the country in the hands of a small number of people. The hon. Member for South Northumberland (Mr. Grey) had asked the compassion of the House for the widows and orphans of the unfortunate landowners of the country. But that was a small affair compared with the miseries of millions of the Irish people. The Irish Members had used no exaggeration on the subject. They had rather repressed their feelings. He had a decisive authority for the opinion he had expressed upon the distribution of the land among few people. He thought the words of Holy Writ, which denounced woe to those who added house to house and field to field, were especially applicable to the state of Ireland. It had been said that the country was over-populated. That was only true in the sense in which an hotel of three or four stories would be described as overcrowded if all the people who could easily be accommodated on all the floors were concentrated in the lower parts of the building. The people had been cleared out of one part of the country, and huddled up into another. He objected to the clearance system; he objected to the efforts which had been

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made to exterminate the Irish people. He would submit to the House the opinions which had been expressed by distinguished foreigners on the subject. The Rev. Henry Ward Beecher, in an address in which he spoke in warm terms of the Irish character, said there was every justification for an agitation to procure the emancipation of the Irish peasantry from English misrule. Mr. Wendell Phillips, an American of great ability and of the purest character, who was by no means a professional politician, had said that America was glad to avail herself of the services of the Irish people, and had profited largely by their genius, and that he wondered at the way in which they were treated by the English Government. When it was said that now that that House was engaged day after day in discussing Irish questions that Ireland should be satisfied, he replied that there ought to be no occasion for discussing them, and that there was no obligation on the part of the oppressed to be grateful because their oppressor was at length listening to their complaints. The only way to get rid of Irish questions was for the Government and the country to do justice all round to Ireland, so as to raise up a contented, an industrious, and a prosperous Irish people.

MR. GLADSTONE: Sir, no one is more sensible than myself of the right of the hon. Member to be heard upon any question he chooses to treat, and especially upon the question of land. But, without any derogation to my respect for his abilities, I do venture to call the attention of the House to the course this debate has taken. The question is an Amendment by the hon. Member for South Leicestershire (Mr. Pell) on your leaving the Chair. He proposes that the operation of the Bill should be restricted to certain classes of estates; but we have travelled entirely away from the hon. Member for South Leicestershire, leaving his Amendment as much forgotten as if he had been dead for 100 years, instead of being living and likely to be long a useful Member of this House. May I be permitted to make a remark which, I hope, will not be without effect. If I understand the matter, this House is a deliberative Assembly. Now, what is the essence of a deliberative Assembly? It appears to me to be this—that a deliberative

Assembly is an Assembly that speaks always with a view of something it is going to decide. But if, when we have a Motion like this of the hon. Member for South Leicestershire, we are to launch forth not only into a discussion of the Bill at large, but into a general discussion of the condition of Ireland and the land burdens, and other questions that have no bearing on the Amendment, so far we lose the character of a deliberative Assembly altogether, because we take up that upon which we are not asked to give an opinion at all. It is a matter of general interest. I am presuming to suggest to the House, therefore, that they have an undoubted title to discuss this Bill at large on the question of the Speaker leaving the Chair; but it would be convenient if we were permitted to dispose of this Amendment of the hon. Member for South Leicestershire. On what has been said by the hon. Member for the City of Cork (Mr. Parnell), I will only so far comment as to subscribe unreservedly to what has been stated by my right hon. Friend the Secretary for Ireland. The hon. Member for Cork may see a change of front. Many men have a faculty for seeing that which does not exist. I believe he has exhibited that faculty, along with many other excellent faculties he possesses, to-night. But let us debate that subject when we come to it, and when we have some proposal bearing upon it. It has no bearing, and even the ingenuity of the hon. Member for Cork can give it no bearing, on the Amendment of the hon. Member for South Leicestershire. Although that Motion proceeds from a Gentleman of great authority, and who applies his mind with integrity and impartiality to this subject, yet a little reflection will let him see that not even an adversary of this measure can draw a distinction between estates where evictions have taken place and estates where they have not. Evictions may have taken place with good reason, and yet the disability would be incurred. Evictions may have been delayed on other estates from various causes, and yet they could be put in operation the moment this Bill passed. Let us put that Amendment out of the way, and let us go forward to discussion, when the House can deliberate on the question as to whether this clause of my right hon. Friend the At-

torney General for Ireland is or is not a departure from the views we originally expressed when we endeavoured to impress the Bill upon the House. I think I am not making any unreasonable request when I ask on behalf of persons who are sent here not merely for the expression of opinion, but for the transaction of Business, that we may be permitted to dispose of the Amendment of the hon. Member for South Leicestershire, leaving a perfectly fair and open field for those who wish to discuss the larger question on your leaving the Chair.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

THE O'DONOGHUE said, he was sorry he could not agree with the Prime Minister that this was a proper moment for division on the Amendment of the hon. Member for South Leicestershire. It seemed to him that there still remained something to be said at this stage which could not so well find a place when the Bill got into Committee. The right hon. Gentleman the Chief Secretary had, with mournful tones and long-drawn visage, deplored the fact that two or three bad seasons would reduce Ireland to a state of beggary, and he attributed this to some mysterious and inscrutable disease, whose diagnosis must baffle the ingenuity of the ablest and best-intentioned statesmen. The malady from which Ireland was suffering was apparent, and the remedy was in the hands of the right hon. Gentleman himself. Ireland was suffering from an excess of rents, and it rested with the Government to provide that in future there should be no possibility of exacting such rents. The truth was, that the Irish landlords were open to the charge of rack-renting. The Land Committee of the Constitutional Club defended the landlords from the charge of harshness and excessive rack-renting by referring to the small number of evictions; but that was a fallacious argument. What they had to show was the number of times in each year the landlords had threatened to evict on process for rent; and, if they did that, it would place beyond dispute the fact that in the vast majority of cases rent in Ireland was only paid under threat of eviction, or

threat of the seizure of stock, or the fear of starvation. In Kerry, last year, the Chairman of Quarter Sessions had signed 400 decrees of evictions for non-payment of rent. That was for last year. The Quarter Sessions had just been held in Kerry, at Killarney, Kenmare, Listowel, and Tralee, and there had been more than 200 ejectments—that was, about 1,000 persons left homeless. In one of the most famous dictionaries ever compiled, “rack-rent” was defined to be “a rent usually extorted by Irish landlords from their tenants.” In 1836, the late Lord Derby used the following words in this House in a debate on Irish Poor Laws:—

“He should have been most desirous of seeing a system introduced by which the poor rates levy might have acted as an absolute and positive check upon that which he held to be one of the greatest evils of Ireland as between landlord and tenant—namely, the exorbitant rents fixed upon. For now the landlord imposed a rent of 50s., knowing at the same time he should never get more than 40s., but trusting to what he could screw out of the tenant, willing to take anything he could get; while the poor tenant, from the great competition for land, undertook to give 50s., knowing well at the same time that he could not pay any such sum.”

In the same speech, the noble Lord remarked that—

“He could say, without hesitation, that he had seen instances of self-devotion on the part of the peasantry of Ireland which could not be met with elsewhere. He had repeatedly met with sacrifice for the purposes of benevolence and charity of all the little comforts possessed without hesitation, which reflected the highest credit on the humblest classes in Ireland.”

No one could charge the late Lord Derby with being an agitator. Would anyone venture to say that the moral qualities of the Irish people had decreased since that time? A reference to statistics would show that there was less crime in Ireland than in any other country in the world of equal population. There was no country of whose population it could be said, as of the population of Ireland, that virtue was the rule and vice the exception. Why did he say this of his own countrymen? Simply to lead the House to the inevitable conclusion that it was quite impossible that such a people could, as was pretended, have entered into a conspiracy to defraud their landlords. It had been said that in Ireland there was an anti-rent agitation, and a determination not to pay rent. He pronounced that assertion to be absolutely baseless,

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and a complete misrepresentation of the state of feeling which existed in Ireland with regard to the payment of rent. There was in Ireland an agitation against the exaction of unfair rents—a determination to resist the payment of unfair rents, and to brave the consequences of their non-payment. That feeling prevailed extensively in Ireland, and it acquired force and volume with the spread of education, of intelligence, and the acquisition of political power by the people. The presumption was entirely in favour of the rents being unfair from the circumstance that the landlords had the fixing of these rents. It was not in human nature to resist the opportunity they had of charging more than the value of the land. Many harsh things had been said of the tenants. To retort was easy. On one point, at least, there would be no controversy—that previous to the Act of 1870, tenants were simply robbed of their property in the shape of improvements. Since then the property of the tenantry had been appropriated by what Lord Carlingford called the silent process of rent-raising. In three Provinces, at all events, the Act of 1870 had failed to prevent capricious raising of rents with a view to eviction; and the landlords literally snapped their fingers at the Act. They dealt with the tenantry as if the Act had never passed. He believed the intentions of the right hon. Gentleman when he introduced the Bill were excellent; but his efforts had been ineffectual to protect the tenants from their landlords, and he very much feared they were now engaged in the preliminaries of another *fiasco*. At the meetings which he attended he had endeavoured to get a resolution passed to the effect that the eviction of a tenant for the non-payment of a rent fixed by the landlord was unjust, and called for the condemnation of every lover of justice. He thought the Bill, when first introduced, went a considerable length with him in that view. He had supposed that under this Bill a great portion of the rents of Ireland would be revised in open court; that everything bearing on them, in the interest of the tenant, would be sifted by skilled advocates; that the secrets of the Estate Office would be turned inside out; that the landlords would be put on their defence, and asked in the face of their countrymen why they should not be mulcted in heavy damages for being

rack-renters. It now appeared, however, that they were simply to have the clause of the Irish Attorney General, which would enable every landlord to come to Court, and say he had agreed to let so-and-so sell his interest. No questions would be asked, and the Bill would simply be one for clearing off the small tenants in Ireland. In such circumstances, he very much doubted whether he should not feel it his duty to take the course indicated by the hon. Member for the City of Cork.

SIR TOLLEMACHE SINCLAIR said, that the Amendment which he had originally proposed was coldly received by the Chief Secretary and the Attorney General, and the Prime Minister, in his speech, alluded to it as entirely unnecessary, saying that no Judge would refuse to accept the landlord's offer to allow the tenant to sell his goodwill as a just settlement of the question. He was glad to find the Government had now reconsidered the point, and that his clause had been deemed of sufficient importance for the Attorney General for Ireland to place it upon the Paper. He attributed that very much to the division on the second reading, when about 100 Liberals abstained from voting, or voted, as he did, against the Bill. Had it not been for that very ominous Government victory, which was like the victory of Pyrrhus, they would not have had that Amendment proposed. He was glad to find his Amendment had not given great satisfaction to the Home Rule Members opposite. If they had been satisfied with it, he would have taken the first opportunity of withdrawing it from the Paper. The Attorney General for Ireland, in his speech, had made some statements which caused surprise as to the relations between landlord and tenant in Scotland. He (Sir Tollemache Sinclair) had himself managed a large estate in Scotland for a great portion of his life, and he was enabled to state that a great many of the hon. and learned Gentleman's statements were inaccurate. The hon. and learned Gentleman had made some quotations from a standard text-book; but he had only quoted those parts that suited his argument. In Scotland, if the produce of the crops exceeded, by however little, the cost of seed and tillage, the tenant was liable for the entire amount of his rent, as he was if he had the whole of his crop

destroyed by a bad harvest. He had seen a good deal of Irish land, and made inquiries as to the rent, and he could say that, so far from the landlords being amenable to the charge brought against them by the last speaker, the land in Ireland was rented much lower than the same quality of land would be in England or in Scotland. Most of the land in Ireland was let at Griffith's valuation, and a good deal of it far below that valuation, which, by-the-bye, was made at a time when prices were much lower than at present. He would boldly state that land in Ireland, in his opinion, was very much lower rented on the average than any part of England or Scotland. Hon. Gentlemen had complained that Irish tenants were rack-rented. No doubt, tenants were suffering very severely at present; but he believed that such was the state of affairs in Ireland, so much was the country over-populated, and such a large proportion of the people were unable to find money, that there would be great misery there even if there were no such thing as rent at all. Over population had much more to do with the misery of Ireland than any amount of rack-renting. Great complaints were made of the treatment of tenants in Ireland; but were they justified by the facts? In Scotland, landlords could evict at six weeks' notice; but in Ireland they had to give six months' notice before they could evict. Further than that, an Irish tenant for six months after his eviction had a right to re-entry on the payment of his arrears; but the Scotch tenant had no such privilege reserved to him. The Prime Minister, in his speech the other night, proved too much. He attacked the Irish proprietary, and he further attacked both Houses of Parliament for the legislation they had passed in respect to Ireland. If that legislation had been so unjust as the right hon. Gentleman represented, then the present Bill should have been extended to all Ireland and made permanent. Admitting that there was a certain amount of distress in Ireland, he held that it had been very much exaggerated. Mr. King Harman wrote to *The Times* the other day to say that 63 of the scheduled districts had been struck off his relief list of *The New York Herald* Fund. This showed that the distress was decreasing. Moreover, in spite of all distress, the Inland Revenue statistics

showed that in Ireland each head of a family consumed whisky to the value of £5 per annum, besides brandy, beer, and other intoxicants. Therefore, if they chose to drink less whisky they could pay their rents. At all events, their inability to pay now was largely due to their enormous consumption of whisky, a consumption unparalleled in any part of the world. Then, again, so far as he could ascertain, the poor rates were not in any district of Ireland of an excessive amount. He was astonished to hear the language applied by the last speaker to Irish landlords, whom he had called oppressors and rack-renters. When hon. Gentlemen railed in that way at Irish landlords, they should look a little at home, for he found, on reference to the "society" journals, that a Mr. John Howard Parnell appeared to be one of the worst landlords in all Ireland. He regretted the hon. Member for Cork (Mr. Parnell) was not at that moment in the House to hear him; but the paper from which he was now quoting said the hon. Member's elder brother, Mr. John Howard Parnell, held 1,700 acres in the County of Armagh, and that before going on his American tour Mr. Parnell, M.P., collected for his brother the half-year's rent due in September, allowing a reduction of 7½ per cent, although the tenants had been previously promised 15 per cent. Although these tenants had paid their rents up to the 1st November, Mr. Parnell was himself one year and a-half in arrear with his rent to Trinity College to the amount of £1,500. The writer also said he was told the rents on Mr. Parnell's estate were 40 per cent higher than on the adjoining estate, and that his tenants were subject to certain imposts not enforced elsewhere. ["Question!"]

MR. A. M. SULLIVAN: Will the hon. Member give his authority, or the name of the newspaper he is quoting?

SIR TOLLEMACHE SINCLAIR: *Vanity Fair*. ["Oh!"] It signified not a straw what paper it was from; a statement was a statement. The hon. Member for Cork had never denied the statement, and until it was denied he held it to be true.

MR. A. M. SULLIVAN: Is the hon. Member aware that that has been proved to be an absolute fiction?

SIR TOLLEMACHE SINCLAIR, continuing, said, the Attorney General

Sir Tollemache Sinclair

for Ireland had expressed regret that tenant right had been abolished in County Mayo; but he thought the worst system of managing land was under a system of tenant right. They had, to a certain extent, the same system in Scotland. On his own estate a tenant used to have certain claims for amelioration at the end of his lease, and the incoming tenant was consequently burdened with a large payment which crippled his resources. It was well known that capital to landlords in Scotland was only worth 4 per cent, whereas to the tenant it was worth 10 per cent. He thought the greatest curse of Ireland was this system of tenant right. The Attorney General for Ireland said that the landlords of Ireland had obtained an equivalent for this Bill in the shape of £1,500,000.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I did not say so.

SIR TOLLEMACHE SINCLAIR said, that it must be taken into account. The Attorney General for Ireland further stated that the landlords in Ireland would be put on the same footing as other creditors; but he forgot to state that landlords were obliged to give further credit in land. There was a complete difference between the two cases. He also stated that he could proceed by a bill of civil process of selling up the landlord's stock of crop; but if that was so, how was the farm to be kept up? Other creditors did not care, and landlords would not and could not have recourse to such extreme measures. What was the effect of legislation proposed by Irishmen in the House of Commons? The Encumbered Estates Act was passed, and the hon. and learned Member for Meath (Mr. A. M. Sullivan) said it was an extreme measure, and, if they went on as they were at present doing, they would see the land in the scheduled districts utterly unsaleable at the price at all. Even solvent landlords would be affected by the Bill. A great deal had been said about the Land Act of 1870, as if it were a measure of vast importance. But what did he find? During the whole of 1878 the paltry sum of £18,000 only was paid for disturbances and improvement throughout the length and breadth of Ireland. Therefore, this sum did not give the people an exalted opinion of this Act, which was introduced as a grand discovery. Not only would the Bill, if passed, ruin Irish landlords, but

it also would reduce widows and orphans to beggary, and in time to come the Chief Secretary and the Attorney General for Ireland would think of the ruin they had brought about. When the House was in Committee he had several new clauses to move.

LORD ELCHO, who had the following Amendment on the Paper:—

“That, in the opinion of this House, this Bill, while departing from the vital provision of ‘The Irish Land Act of 1870,’ is not required for the relief of the partial distress now existing in Ireland, and will not improve the condition of the agricultural population of that country,”

said, it was useful that an hon. Member had had the courage to state a sound common sense view on this Irish Land Question. Where did they stand in regard to this Bill? The Government had put down with a great flourish of trumpets a new clause to the Bill; but they afterwards said that its principle was already in the Bill. He was sorry to say that his hon. Friend was prevented making the explanation he wanted, as he was the sole patentee of the new clause which was brought in by the Attorney General for Ireland, and this act on his part would be the first thing he would have to defend. He (Lord Elcho) had a very few observations to trouble the House with. The question before the House was as regarded the general principles of the Bill and the Amendment of the hon. Member for South Leicestershire (Mr. Pell). In 1870 he did not support the Land Bill as a whole; but to the best of his judgment there was one part of the Bill he resisted to the utmost, and that was the principle of disturbance—the principle of payment for compensation by transferring one-third of the property of one man to the pocket of another. That was plain simple language except to Irish Members. He believed the disturbance clause would lead to all sorts of evils. The transference of the third of the property of one man to another—that was in plain Scotch or plain English or Welsh, but not in Irish, what the disturbance clause meant. He believed the principle was wrong, and the result would be proved by the fact that this wrong principle would be used as a lever and as a starting point for further wrong. If he supported, as he intended to do, the Amendment of his hon. Friend behind him (Mr. Pell), he wished, at the same time, to guard himself in any form

or shape from being supposed to approve in any way of the Bill brought in by the Government, Protean though it might be. He approved of this clause solely on the ground that it minimized, to a certain extent, the evils of the Bill. He did not know whether, in the course of any of the "pretty quarrels" between hon. Members opposite and the Government as to whether they should have the whole loaf or not, the Bill would not be dropped altogether. But, short of that, he would accept half a loaf, and he should support the Amendment of his hon. Friend. His hon. Friend opposite spoke of the relative position in which a landlord would be as regards other creditors if this Bill passed. He had a letter from a friend in Waterford County, and he said—

"It has been alleged that the proposed Bill will still leave the landlord facility for the recovery of his debt equal to that possessed by the trader or 'gombeer-man,' but of the two latter, the first can stop giving further credit, whereas the landlord's goods continue to be enjoyed by his debtor; and the 'gombeer-man' is so initiated in every secret of the farmer as to be able to strike at the exact moment when recovery of his debt, or its partial discharge—accompanied, probably, by some conditions still further entangling his victim—is possible. The inmates of the Union-house are less in number than at this time last year, and a fall in the rate, average about 2s. or 2s. 2d., is expected. There is not one of our local representatives who would like to make this statement in Parliament."

He should read to the House an extract from a letter written by an Englishman who was agent for an estate in Roscommon worth £10,000 a-year. He wrote as follows to his landlord, who happened to be abroad:—

"The estates are in a scheduled district, and your consequent apprehensions will be, I fear, but too truly realized. Already has it been industriously circulated among the tenants on no account should they pay rents; and on my half-year's rent day held last week—five weeks later than usual—for the purpose of receiving the gale due May 1, 1879, out of £5,000 I received £290, and the few who paid me were leaseholders at almost nominal rents. I yesterday happened to meet several of your tenants who to my knowledge have money laid by in bank deposits, and on my inquiring why they had not paid me their rents, they replied very curtly they did not mean to do so. 'Why?' 'Until they saw further.'" "You will," the agent proceeded, "give me credit for having kept the estate pretty clear of arrears up to May 1, 1878. On a rental of £10,000 the arrear column showed but £234—the lettings being all cheap there was no reason why it should be otherwise. The rental of May 1879, shows an arrear of £4,000. I pressed no one for rent who could fairly have

been said to have suffered; and, besides, I forgave a half-year's rent to nearly all the small mountain tenants and those who suffered very much during the past 18 months. I was unable, in consequence of your forbearance and liberality, to send you one penny. The distress is now at an end, save in the extreme west, and a great promise of an abundant harvest, with good prices for stock and butter, made us all sanguine that 'the winter of our discontent' had passed. Calves and pigs, the small farmers' stock, never were dearer. A sucking calf is worth from 40s. to 50s.; pork, 60s. per cwt.; butter 1s. per lb.—the latter just double last year's price. Meetings have been held in every village, Land League branches established in every district, and the people told to hold all they can make now, and to pay no rent. Ejectment for non-payment is, as you know, the only remedy for recovery of small holdings. The fear of it has always exercised a wholesome influence. If we are now to be practically deprived of the only means we had of getting our own, and to which I, at all events, never resorted, save in extreme cases—threats being generally enough—I have no hesitation in saying we shall be quite unable to recover rents, and the results must be forced sales in the Landed Estates Court. You have 800 tenants whose average rent is £10; if to recover £10 I am to expose you to a penalty of £70, where should I find the means of satisfying such a decree?"

In conclusion, he thanked the House for having listened to him. He had read these letters in the interest of truth and fairness, and they went much closer to the point than anything he could say.

MR. MELDON complained that the discussion which had been going on throughout the evening had been a mere waste of time, and that it had not been directed to the principle of the Bill. All that hon. Members opposing the Bill seemed anxious about was to defer as far as possible the moment when the House would come to a final decision on the Bill. The question as to whether the operation of the Bill should be limited or not was a matter for the consideration of the Committee. There was nothing in the law as it at present stood to prevent a landlord recovering his rent as a debt; and, therefore, it was not correct to say that the Bill interfered to prevent landlords in Ireland recovering their rents. It left untouched all the remedies which the landlords, either in Ireland or in England, possessed at the present time. In Ireland the right of the landlord was paramount to the claim of any other creditor as long as the rent was unpaid, and the landlord could prevent any of the goods of the tenant from being sold to pay a trader's account

Lord Elcho

unless the rent had been satisfied to the last farthing. He certainly found fault with the Bill for its narrow scope. He considered it was unfair to apply the Bill only to those districts in Ireland which by accident happened to be scheduled districts, because, owing to the way in which districts were scheduled in Ireland, there were many districts which ought to be scheduled but which were excluded. But that was a matter not affecting the principle of the Bill, and it was a question which might be fairly and considerably discussed in Committee; and if the House thought it right that it should be so extended, he, for one, should not stand in the way of that extension. But when the question of the limitation of the Bill was discussed at that time, he certainly thought it was not a question on which the time of House should be wasted. It would not be right for him to enter into a discussion of the various clauses which would be proposed in Committee. There was one which had been referred to and much discussed, and that was the Amendment of the Attorney General for Ireland. He thought that was an Amendment which ought, and no doubt would, recommend itself to hon. Gentlemen on both sides of the House. It would afford in certain cases an immensity of relief to men holding land in Ireland, who were badly in want of relief. He thought it was a step towards the final settlement of the Land Question upon a correct and proper basis; and he should be surprised, when the House came to consider it, if they did not enlarge the scope more than the Amendment did. He thought it was wrong in a deliberative Assembly, such as that was, to waste time as it had been that evening; and he trusted the House would soon go to a division, as the sooner the question was settled the better it would be for all concerned.

MR. GRANTHAM denied that the Irish landlord by his power of eviction was placed in a much better position for recovering his rent than the English landlord. It was true that the English landlord could not evict in a summary way unless there was a power of re-entry in the lease; but he had no object in evicting summarily, because there was generally a sufficient equivalent for his rent in the opportunity he had of distraining, or in the valuation for tillage,

which was made at the expiration of notice to quit. The Irish landlord, on the other hand, was debarred from giving that notice to quit at the expiration of which he would recover his rent, because he was subject to this heavy penalty, that if he gave notice to quit he would be liable to have to compensate the tenant for disturbance. In reality, the English landlord was in a better position for recovering his rent than the Irish landlord, because there was scarcely an instance in which the former, at the expiration of his notice, even if it were two years, 12 months, or only six months, had not an equivalent for his rent; so that he almost invariably recovered. If it was necessary that something should be done let them limit it to the cases which were referred to by the Leader of the House, and in which there was a possibility that there might be harshness on the part of the landlord. If they did that the Bill might do some good; but if they passed it as a general principle it would do immense harm. The hon. Member for Cork (Mr. Parnell) alluded with a feeling of horror to the emigration ship. He (Mr. Grantham) thought as the English people were sending pecuniary relief to their poor unfortunate countrymen in Ireland they should exercise some control over the way in which the relief was rendered. It was because of the improvident marriages in that country and the over-population there which had gone on for so many years that this distress was so great. In England there was unexampled agricultural distress; but there was no such distress in England as there was in Ireland, and that was because over-population had not gone on in England. Irish peasants who lived in huts might get better homes in our Colonies.

MR. W. FOWLER said, the Amendment proposed by the hon. Member for South Leicestershire (Mr. Pell) was in substance the same as that which he (Mr. W. Fowler) had proposed as an Amendment to the 1st clause of the Bill in Committee. He framed his Amendment without any concert with the hon. Member, on the grounds stated by the Prime Minister the other day, when he said that only a "comparative handful" of landlords had treated their tenants ill, and that the great mass of landlords had done their duty well, and that he had no fault to find with them. It seemed

to him, therefore, that they ought to endeavour to find words which should confine the operation of this Act to the bad landlords who had brought so much trouble on their country, and they ought not to punish the good landlords for the misconduct of the bad. Therefore, he approved of this Amendment; but he desired to say something as to the general principle of the Bill, many other hon. Members having referred to it. Since the Attorney General for Ireland had put his Amendment on the Paper, they had, in fact, another Bill. He (Mr. W. Fowler) was certainly surprised at that Amendment, for it seemed something like an extension of the Ulster custom to the whole remainder of Ireland. That seemed to be a very important proposal. It might be right or it might be wrong; but it was rather difficult on the spur of the moment to decide whether it was or was not right, and what its effect might be. He should not feel quite clear on that point until he heard what the Attorney General for Ireland had to say in favour of his Amendment. The great difficulty they all had to contend with was that of finding out what were the actual facts of case. For instance, the hon. Member for Cork (Mr. Parnell) said that small holders would not be able to sell their holdings under this Amendment; but, on the other hand, he (Mr. W. Fowler) had just heard from one of the largest landlords in Ireland that some of the very smallest holdings on his estate were sold with the greatest ease. In fact, he told him that the very smallest were sold most easily in many cases, because there was more competition for a holding of which the value was only a small sum of money. Then, again, he was puzzled about the Schedule to this Bill. The hon. and learned Member behind him (Mr. Meldon) said that some districts were not scheduled which ought to be scheduled; but he (Mr. W. Fowler), on the other hand, could assert that some districts were scheduled which ought not to be scheduled. Now, he wished to refer to the relation of this Bill to the Act of 1870. He thought it was not a development of that Act; but that it was, so far as it went, a repeal of that Act. By that Act, Parliament said to the Irish tenant—"We are giving you a great boon—a boon not known to the tenantry of England or Scotland—on

one condition, that you perform your bargains strictly—that you pay your rents." Over and over again the Prime Minister laid this down; but, by this Bill, they should declare that payment of rents would not, in all cases, be necessary to secure to the tenant the benefit of the Act—that he might be in arrear, and yet he might secure compensation for disturbance supposing he could prove certain things. So they took from the landlord the remedy of ejectment in many cases, and, what was far worse, they gave out an idea that rent need not be paid. But it was said the landlord would have his other remedies, and that a reasonable landlord would not be injured. He had made much inquiry on that subject, and he heard just the contrary. It was said that landlords were very timid; but, at any rate, he was assured that on many estates no rents would be paid till December, 1881, if this Bill should pass. In that way, if that were so, they were selecting one class and imposing on them a heavy burden. In his opinion, a great national disaster should be met in a national way. The Prime Minister had a horror of making mistakes in the expenditure of public money, and so had he; but he would rather run that risk than alter the principles of the law to meet a temporary distress, in a way which might be dangerous to the future prosperity of the country. It seemed to be forgotten how peculiar was the condition of Ireland. The ignorant people were encouraged by agitators to believe that in some way or other the land was to be theirs, and was to be taken away from its present owners. They forgot that, even if that were done, they would only have a new set of owners, and a new land difficulty 20 years hence; so the effects of this Bill were far more serious than might appear at first sight. The proceedings of Parliament might encourage false and dangerous notions. He had thought much on this question, and the more he had thought the more doubt he had felt as to this Bill; and he was, therefore, disposed to support an Amendment which would confine the scope of the measure to the areas where, according to the Chief Secretary, it was really required. He understood the principle of the Act of 1870. It was clear, conspicuous, and full of light, compared with the principle embodied in this Bill. He did not be-

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lieve this proposal would really benefit the people whom it was intended to help. It was notorious that in a vast number of cases there were too many people on the land. However hard the remedy might be, the true remedy was that they should find a home where there would be room for them. Now he spoke with more freedom on this question, because he was a Radical Land Law Reformer. He longed to see the land both of England and Ireland free from the incumbrances and settlements and muddles with which it was burdened. But that was not the question of to-day. He wanted to see owners free; but he wanted to see rents properly paid, or they could have no real prosperity. If an owner could not get his rents, how could he perform his duty as a landlord? They must upset all their ideas about ownership if they threw any doubt on this right of the owner to his rent. For his part, he should be delighted to see a great number of tenants in Ireland become owners by turning their tenancies into ownerships; but if an occupier was to become an owner, he must pay his landlord a fair price for his land. He would only add that, although he felt the greatest reluctance to differ from the Government, he was compelled to record his vote in favour of the Amendment.

MR. BRADLAUGH said, that the speeches to which he had just listened seemed to him to have not the slightest relation to the question. It had been repeated by hon. Members as an argument bearing on the question that Ireland was over-populated, and that distressed tenants ought to find in some other country the relief they could not obtain in Ireland. With the permission of the House, he would treat this matter as bearing on the subject under discussion, and simply say there was no Colony of England, no part of the United States, no place whatsoever to which any poor man could at the present moment go with any hope of benefit to himself. Those, in fact, who recommended emigration had not taken the trouble to investigate the matter, or were merely talking against time in order to prevent the Bill going into Committee. He regretted to hear the tone in which this matter was dealt with by the hon. Baronet who spoke from his side of the House (Sir Tollemache Sinclair), and by the noble Lord opposite (Lord Elcho). It was

said that these tenants would not pay their rents, though they were able to do so, and had money in the bank. The noble Lord opposite had told the House so; but if that were true, why did not the noble Lord allow the Bill to go into Committee at once? No damage whatever would be done, for the very fact of their having money in the bank would prevent their coming under any of the clauses of the Bill. To say that there was no distress when the late Government dealt with it as a matter of exceptional distress, and when the present Government had admitted that deaths had resulted from famine fever, was to utter words of mockery.

SIR WALTER B. BARTTELOT said, though he should support the Amendment, as intended to minimize the evils likely to result from the Bill, he would, for his own part, prefer to meet the Motion that the Speaker do leave the Chair with a direct negative. He was very much surprised at the remark of the hon. and learned Member for Kildare (Mr. Meldon) that they were talking to delay the Bill. [*Ironical cheers.*] He was not surprised to hear cheers of that kind, and he knew exactly what they meant. But he was unfortunate enough to have been through the whole of a far greater famine in Ireland. He remembered the people dying by hundreds; he remembered, too, the sympathy that was felt for them throughout the whole country; and he defied hon. Gentlemen who had cheered in that way to contradict him when he said that there was not a single Englishman in that House who did not feel for the Irish peasant in the distress from which he was now suffering. But that was a totally different thing from assenting to the Bill before the House. The very temperate and honest speech of the hon. Member for Cambridge (Mr. W. Fowler) would show the Prime Minister that many of his supporters differed from him in this matter. Never was there a greater mistake than that made by the right hon. Gentleman in shaking that security of rent which he professed to establish by the Act of 1870. That precedent, once made, it would be most difficult to set aside. Upon the Prime Minister the responsibility would rest, for he never would have been supported by public opinion in a settlement supposed to be final in 1870 if it had oozed

out that, coming into power 10 years afterwards, he would destroy what he had then done, and render those principles nugatory upon which right and justice were founded. The Attorney General for Ireland had said of the clause he was to introduce that its principles were embodied in the Bill, and that no County Court Judge, if a landlord agreed to give his tenant leave to sell his interest in the land, would be foolish enough to grant him other compensation. He looked in vain to find that principle in the Bill, and he ventured to say it was an afterthought of the right hon. Gentleman. The right hon. Gentleman the Prime Minister had said that this was not one of those things which would prevent capital from coming into Ireland. He begged to differ from the right hon. Gentleman. He heard last night of a most remarkable case. An English lady with £160,000 had married an Irish landlord, whose estates were encumbered to the extent of £51,000. He asked his wife, after they were married, to pay off that encumbrance. It was a very improper thing, no doubt, for the husband to ask his wife to agree to do; but the point was this—the trustees said nothing could be done unless they got an Act of Parliament to permit them to do it. They got the Act, the money was raised, when in came the Bill of the right hon. Gentleman the Chief Secretary for Ireland; the money had not been paid, and the lady had refused her consent. [*Laughter.*] It was easy for hon. Gentlemen to laugh, but it was an absolute fact; and he ventured to say the same thing would happen over and over again. It had been said that the tenants lived by the land; but what did the landlords live by? If they did not get their rent, what was to become of them with the mortgages, the quit rents, the county cess and other charges they had to pay? Was it fair to those men, whom they were bound to encourage, to raise a tenant right on their estates as the Attorney General for Ireland proposed to do? He knew one estate of 43,000 or 44,000 acres in the South West of Ireland; it was rented at £20,000. In 1837 there were about 8,000 tenants upon it. The landlord then died, and his successor was particularly anxious to put the property into good order. He did all in his power to get the people to emigrate, and paid for

their emigration. At present there were about 1,000 tenants on the estate. From 1840 to 1854 the landlord and tenant erected buildings, and did all that was necessary between them. But from 1854 the estate had been treated as an English estate; and every single farthing for buildings, farmhouses, cottages, everything had been paid by the landlord. Upon buildings alone £55,000 had been spent, and £25,000 on draining. The moment the Bill was brought in the buildings were stopped; but the drainage works were not stopped in order that the people might not be demoralized. There had been no change of rent for 40 years, and only four evictions, two of them to settle disputes between tenants on neighbouring farms. Upon such an estate, where everything had been done by the landlord, to raise a tenant right, as the Attorney General for Ireland proposed to do, was monstrous. They had had a most important statement from the hon. Member for Cork (Mr. Parnell). He stated it was absolutely necessary, in the interest of the 250,000 very poor tenants in the West of Ireland, that they should either emigrate or migrate to some other part of Ireland. He preferred the latter, as that might be easily done, and mentioned 4,000,000 acres in the Midland counties of Ireland, to which they might go. He (Sir Walter B. Barttelot) would not go into the question now, further than to show that that was the only remedy the hon. Member for Cork thought there was for this very poor class of tenants. But they could not face the difficulty with the philosophic coolness of the hon. Member for Salford (Mr. A. Arnold), who compared the population of Jersey with that of Ireland, and said there was room in Ireland for 35,000,000 of people. Surely that hon. Gentleman had never been in Jersey, or he would have known better than to compare two such countries. Why, in Jersey the land was let at from £6 to £8 per acre, and was cultivated in the best manner; the people were the most industrious in the world; and there was no agitation there. If Ireland enjoyed these advantages, and would use her industry as she did in every other part of the world, if she could be free from agitation, they might have a chance of seeing her prosperous. He would go a step further. After the Famine of 1847-48 Ireland made most

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rapid advances. The return of the Savings Banks, the state of the cultivation of the land and the cottages, proved what a marked improvement had taken place in Ireland. Their sympathies were all with the distress which now existed. They all wished to see Ireland contented, happy, and prosperous. They had now a hope of a good harvest. Their stock and their produce brought a much better price than this time last year. But as for this Bill, the more it was discussed—and he was not surprised that the Prime Minister wished to stop discussion—the more its nakedness would be exposed; the more the rights of property were shown to be dealt with, the more difficulty there would be in carrying it through the House. He believed it was unjust to the landlord, unwise to the tenantry, and injurious to the country at large; and, therefore, he should vote for the Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) admitted that the concluding observations of the hon. and gallant Baronet were interesting; but said they were not very pertinent to the present discussion. There had been a great deal of strong language used against the Bill, but very little argument. They had heard the allegations repeated again and again which were made on the second reading of the Bill. It was said that the Bill must have a prejudicial effect in preventing rents being paid for two years. But there was nothing of that kind in the Bill. Landlords would have precisely the same remedy as other creditors. If other creditors could recover their debts, so could the landlord. The landlord had not only an equal right to sue, but he had the advantage of not being obliged to be in a hurry to sue, because, should any other creditor come in before him and seize the tenant's goods under a writ of execution, it must be on the term of paying the landlord one year's rent. It was only the unreasonable landlord who unfairly insisted upon the exercise of his strict right that would be affected by the Bill. But it was said that the character of the Bill had been greatly altered by the Amendment of which he had given Notice. Well, he had to remind the House that on the second day of the debate he had stated that no Court would hold a landlord to have acted unreasonably who had given to his tenant the option of selling

—if the tenant had refused to exercise such option. The tenant, as had been frequently pointed out, must first of all prove his inability to pay his rent. He would scarcely venture to swear that he had no means if he had money in a Joint Stock Bank. The bank manager could be called to prove that the man had a balance to his credit; and the proof would be as easy if the tenant had money in the Savings Bank or had stock upon his farm. The only case in which there would be any difficulty in proving ability to pay would be the rare one of the man who kept money in a stocking. The habit of the tenant farmer who could save money was not now to keep it at home, but to invest it in the Joint Stock Bank, or to lodge it in a Savings Bank; and in all such cases the proof was easy. But hon. Gentlemen stopped too soon, for if the tenant had even proved his inability to pay he should also show that he had made a reasonable offer, and that the landlord had unreasonably refused his terms. From the very first he (Mr. Law) had argued that if the tenant refused to sell his interest, the landlord allowing him to sell, no Court would hold that the landlord was unreasonable in not accepting his proposal to continue tenant. That was the Bill as it originally stood. Why, then, it would be asked, was it introduced in the shape of an Amendment? Because some hon. Members thought that the Bill did not make it sufficiently plain, and the Government had no desire to allow the matter to remain in any possible ambiguity. He (Mr. Law) maintained that it was in the Bill already; but to preclude all question on the subject he had given Notice of the Amendment. The noble Lord the Member for Haddingtonshire (Lord Elcho) seemed to think that to impose a fine on a landlord who turned out of their homes poor people who could not pay was a manifest violation of all principle, and the transference of one man's property to another. But one of the cardinal principles of the Land Act was to recognize the right occupancy in the Irish tenant, and to give legal sanction to the moral claim for compensation for improvement; and he found in the Division List on the second reading of the Land Bill of 1870 the name of the noble Lord the Member for Haddingtonshire in the majority. So that the principle he now condemned was con-

tained in the Bill which the noble Lord then supported. The hon. Member for South Leicestershire (Mr. Pell) proposed to narrow the scope of the Bill, by providing that compensation for disturbance should be limited to the case of tenants on properties where evictions had taken place since the 1st of November, 1879. If there were any clear and satisfactory mode of distinguishing, for the purposes of legislation, the good from the bad, he would be inclined to go a long way with the hon. Gentleman; but could this principle be carried out with fairness? The test suggested by the hon. Member was whether there had been any eviction on an estate between the 1st of November and the passing of this Bill. But it was obvious that there might have been during this interval upon one estate half-a-dozen evictions of a perfectly justifiable kind, and upon another not a single instance; although, in the latter case, the owner might have taken all the preliminary proceedings for the purpose, and might have a sheaf of decrees for possession in his pocket, and thus would be free to proceed to evict to his heart's content the moment the Bill was passed. The Government desired to protect all reasonable landlords from being damaged by the Bill; and, therefore, they had imposed certain conditions on the tenant, which would, they believed, effectually distinguish the good landlords from the few harsh and bad ones. He knew that hon. Gentlemen did not like their land being touched at all; but if they would regard the matter in a common-sense way, they would see that anyone who objected to the compensation clause of the Bill as likely to injure himself must admit *ipso facto* that it was a question whether he himself was likely to act reasonably or unreasonably in dealing with his distressed tenant. There was not an Irish landlord in the House who would not unhesitatingly affirm that he had always acted and would continue to act reasonably towards his tenants; but if they were only reasonable, the Bill could not injure them in the least; the only way in which the Bill could touch them was in their reasonableness being subjected to the examination of an impartial and competent tribunal. He hoped the Amendment would be disposed of without further loss of time, and that the House would proceed to go into Committee on the Bill.

The Attorney General for Ireland

SIR STAFFORD NORTHCOTE: Sir, with reference to some of the concluding observations of the right hon. and learned Gentleman the Attorney General for Ireland, I would desire to call the attention of the House to the very curious way in which the arguments adduced by the Government in favour of this measure are developing themselves. The right hon. and learned Gentleman has taken the hon. Member for South Leicestershire (Mr. Pell) to task because he says he is proposing an impracticable Amendment to meet an entirely imaginary case; and he says the object of the present Bill is not to deal with proved cases of hardness and cruelty or inhumanity on the part of the landlords, but that it is intended to prevent anything of the kind that may hereafter take place. Earlier in the evening the same point was very strongly impressed upon us, and we were told that no one suggested for a moment that there had actually been any cruelty or hardness or inhumanity, but that the object of the Bill was simply to prevent anything of the sort occurring. That is a very curious development of the main argument originally used by the Chief Secretary as to the ground for bringing forward his Bill. The first view of the Government, he told us, was that the question of the Irish land could only be dealt with after they themselves had had full time to consider it and to formulate the way in which it should be dealt with by Parliament. "But," said the right hon. Gentleman, "matters have arisen which have rendered it impossible for us to do that;" and then he referred to the recent evictions. It was upon the evictions that the right hon. Gentleman rested his case. He rested his case not only upon the greater number of evictions that took place in 1878 and 1879 as compared with former years, but especially upon the large number which have taken place within the last six months, particularly in the distressed districts. The hon. Member for South Leicestershire, objecting, as most of us on this side of the House do, to the provisions of the Bill as being of a dangerous and mischievous character, thinks that, as we were beaten with regard to the principle of the measure on the second reading, it would be well that we should take the Chief Secretary at his word, when he said that the measure was intended to

meet the cruel proceedings of a small number of bad landowners who brought discredit upon their class, and that we should limit the operation of the measure to such individuals. If the statement of facts on which the Government rest this measure is correct, the proposal of the hon. Member for South Leicestershire is in perfect accordance with the spirit of the Bill. The measure professes to be limited in point of time and area; it is defended sometimes, although not always, on the ground that it is of an exceptional character, and that its operation is limited in the manner I have pointed out. Sometimes we know that it is defended upon grounds exactly the contrary; but, assuming that it is of an exceptional character, the hon. Member makes the not altogether unnatural proposal that if we are to have exceptional legislation we must mark that exceptional character in a clear and distinct manner, and must place restrictions upon its operation which will hold water at a future time. In proposing this Amendment the hon. Member wishes it to be understood that under the circumstances the carrying of it would be the best thing that we can hope for; not that he by any means approves the principle of the Bill, even if so limited. The hon. Member for South Northumberland (Mr. Grey) in the opening sentence of his very able speech this evening, expressed himself as not altogether satisfied with the Amendment, on the ground that if adopted it would give too much colour to the Bill of the Government. For my own part, I must say that if we had the opportunity again offered to us of protesting against the character of the Bill I should be unwilling to give any colour to it; but, at all events, if we are to have this Bill, we shall do well to limit its operation in the manner indicated by the Amendment. The hon. Member for Cambridge (Mr. W. Fowler) has given Notice of an Amendment in Committee which is substantially the same as that of the hon. Member for South Leicestershire; and I think that it will be convenient to discuss the proposal of the hon. Member for Cambridge when we get into Committee. I wish now to say a few words on the general position. On the whole I must say that this has been a very remarkable evening. The whole of the proceedings of the Government and of those who are

interested in the Bill have been very curious. They were graphically described by the hon. Member for the City of Cork (Mr. Parnell) when he said that we have come this evening into an entirely new position. We are, of course, aware that it is not competent at this stage of the Bill to discuss an Amendment which we are informed will be moved in Committee on behalf of the Government; but I may be permitted to say that the change of front indicated by that Amendment is far more complete than the right hon. and learned Gentleman is disposed to admit. The right hon. and learned Gentleman the Attorney General for Ireland says that there is nothing new in the proposal which he intends to make. He says that the principle of that Amendment was, in the opinion of the Government, contained in the Bill when it was originally introduced, and that he is rather surprised that any person reading the measure should have been so blind as not at once to have recognized the fact, and that by the Amendment he intended to bring forward they were only putting into clear form that which they believed was already contained in the Bill. It is, of course, difficult to raise any question as to what the Government believe is contained in their Bill, because we know that it was drawn up in a very great hurry, and that it is far from being faultless. Nevertheless, it is a little hard upon us to ask us to believe that the principle of the Amendment of the Attorney General for Ireland was contained in the Bill as it was originally drawn. All I can say is, that when the Government first introduced this measure, they never put forward the principle of this Amendment, which the hon. Member for Cork City has described as that of "free sale." We have heard a deal about freedom of sale—a principle which the hon. Member for the city of Cork recognized as one of great importance, but which, he said, if introduced into the Bill, would require a great deal of handling and development. It never occurred to me, or to a great majority on this side of the House, that the Government, on the plea that it was necessary to stop evictions, were going to introduce the principle of free sale. I do not believe that Government themselves originally contemplated the introduction of such a principle into the Bill. Well, that is a very important consideration,

and it shows in what an unfortunate position we now stand. The problem of how best to deal with the land in Ireland is one of the greatest delicacy, gravity, and difficulty, and we must attempt to solve it upon some general principle. Much has been said about injustice to landlords. I put the question on a broader ground than that. I ask, is this good legislation for Ireland generally; and, above all, is it good for the tenants themselves that they should be encouraged to look to legislation of this character? In dealing with these matters we ought to be careful not to be led away by hasty feeling, or by too great a readiness to join in sentimental cries. A few weeks ago the Prime Minister, speaking on another subject, observed that this House was too much influenced by feeling and too little by judgment. That is a besetting danger to the deliberations of this House. For many years endeavours have been made by Parliament, by patience and the adoption of good measures, to improve the condition of Ireland, to introduce more capital and better systems of farming, and, above all, to induce the people to trust to their own energy rather than to agitation or to legislation. Well, you are now going to overthrow a great many of these experiments. You are going to destroy that which is the first element of success in dealing with Ireland—namely, the feeling of confidence and security. You can do nothing in that country unless you can inspire a feeling of confidence; and it would be better that you should come forward with a definite and final measure involving even some reduction in the value of property, some distinct spoliation, or whatever you like to call it, than bring in an utterly uncertain measure which goes a considerable way in that direction, but avowedly does not settle the question it raises. The measure before the House opens a wide door, and leaves it quite uncertain how far infringements upon the rights of property may be carried. Now, let us consider for a moment the effect of this Bill on capital in England. I know that allusions to this subject are often met with something like a sneer; but I may, perhaps, be allowed to read a little evidence upon it which the House will find, perhaps, to be not without interest or value. It is in the shape of a letter from Mr. Freshfield, a leading solicitor

in the City—the solicitor to the Bank of England, who is not a gentleman likely to entertain exaggerated views upon matters of this sort. Mr. Freshfield writes to me in the following terms:—

“I have to-day had a most striking instance of the inconvenience arising from the Irish Disturbance Bill. I make no doubt that the result has been foreseen by the Government; but, nevertheless, it must operate most prejudicially in business. In consequence of a death a mortgage for a very considerable sum—nearly £100,000—on lands in Ireland not in the counties operated on by the Bill has been called in. The mortgagor must re-borrow to pay off the original mortgage. I made an application to a well-known and first-class insurance office to advance the money wanted. The office reply that it objects to the principle of the Bill, and, regarding it as a concession to agitators, considers great damage is being done to securities by the mere proposal. The manager, who sends me this information by telegram, intimates to me that his Board will, in all probability, not entertain the proposal, which, but for this Bill, would have been considered a first-class security. The inconvenience to the individual is, of course, great; but it sinks into insignificance in the larger question of the distrust caused by this class of legislation. I am glad to see the Bill opposed, and if you think this letter of any service pray make use of it.”

There has been of late a disposition to make advances to Ireland on the strength of the improvement which was going on in her condition. But now you are unsettling everything. That is the great mischief of this measure—this hastily considered measure which has already changed its shape more than once, and which is now put forward on different grounds from those originally pleaded. We were told that ejectments were being carried on most rapidly; but the Papers which have been laid on the Table show that out of 1,700 ejectments there have been about 600 in counties which are not scheduled at all; and the largest number, I believe, has been in the Province of Ulster. My hon. Friend the Member for South Leicestershire (Mr. Pell), I may add, has been told that he is quite wrong in the view which he has stated, and that the Bill has reference, not simply to cases which have occurred, but which may possibly occur, so that we are entirely left without any real guidance in the matter. What was said at the outset of the discussion has, I may further observe, in my opinion, intensified the gravity and danger of the position in which we are placed a hundredfold. The hon. Member for Cork (Mr. Parnell) gave us a not very

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complimentary *résumé* of dealings of the Government with regard this Bill; and he referred, especially, to the new proposal of the right hon. and learned Gentleman the Attorney General for Ireland, which, he maintained, opened up an entirely new and most important question. The hon. Gentleman, indeed, gave Notice that if the Bill went into Committee it would be his duty to see that that proposal was developed, and promised to move a series of Amendments giving it the application which, in his opinion, it ought to have. I think, therefore, that the situation is greatly changed. I do not mean to suggest that we should take a division on the question of postponing the consideration of the Bill for three months; but the question that the Speaker leave the Chair is one which, it seems to me, ought to be put to the House, so that we might come to a direct vote upon it instead of dividing on the Amendment. But, whatever we do, the House will, I hope, clearly understand that it is upon the ground of the new issue which has been raised by the Amendment which stands in the name of the right hon. and learned Gentleman the Attorney General for Ireland that we deem it to be our duty to ascertain what the feeling of the country really is on this subject. The argument of my hon. Friend is, no doubt, perfectly logical. If it be an exceptional measure it ought to be limited to the proper area; but I do not see that the limits proposed by the Government are any limits at all. Their proposal as to the scheduled districts cannot hold water, and once such a Bill is passed you will never be able to stop its operation at the end of the year 1881. You will have opened a door which you will not be able to close, and have given to agitation an encouragement which you will not be able to withdraw. The Bill, I may add, is one which raises the most serious questions, not merely with respect to the rights of a particular class, but with respect to the prosperity of Ireland itself. If Ireland has an accumulated list of wrongs against this country, and if we owe her in consequence an accumulated debt of justice we ought to pay it. Evils, if they exist, which are the growth of centuries, cannot be got rid of in a day, but must be met by the exertion of those qualities which have been ex-

hibited by so many statesmen who have been anxious to improve the condition of the Irish people. If they can be taught, as I believe they can, that their well-being and salvation as a nation rests in their own hands, and must be worked out by themselves on those true and solid principles which are held to be most valuable in other countries, then, but then only, may we look forward with anything like confidence to the regeneration of Ireland.

MR. MITCHELL HENRY said, that there was one observation which he thought was called for by the speech of the right hon. Gentleman the late Chancellor of the Exchequer (Sir Stafford Northcote). If the Irish people were to be taught in any way the manner in which the right hon. Gentleman called their salvation was to be brought about, it was not because the right hon. Gentleman or his Party during the six years that they were in Office had taught them that manner. The result of that six years was that they were unable to put their finger upon any Act of Parliament which had taught the Irish people to put any confidence whatever in the legislation of that House. If the Irish people mistrusted Parliament at the commencement of the Government of the right hon. Gentleman, they certainly distrusted it very much more at the termination of the career of the late Ministry. Every hope that the Irish people had formed of receiving something like justice from the Government that succeeded the previous Liberal Government was falsified. The discussion had wandered very much from the Amendment of the hon. Member for South Leicestershire (Mr. Pell), and now they were asked to divide upon the question whether Mr. Speaker should leave the Chair. He did not know how many Irish Members were going to vote on the question; but from the consultations which he had seen taking place between his Colleagues opposite and the Tory Members about them he could only conclude that the course that they would take would be exactly that which they thought would be most inconvenient to the Government in power. It was, of course, in the power of his hon. Friends to falsify his prediction by going into the Lobby with the Government. This Bill appeared to him to establish for the first time a

most important principle for the Irish tenants; if it were not intended by the Bill to establish a most important principle, he did not know under what class of remedial legislation the present Bill should be placed. If hon. Members from Ireland on the opposite Benches refused to permit the House to go into this Bill, when did they think they would have an opportunity of establishing that principle for which they had so long contended out of the House—namely, the recognition of the good will of the tenant, outside the Province of Ulster? That principle was now recognized by the Bill, and it was because it did so that he should support the Motion “that Mr. Speaker do now leave the Chair.” He quite admitted that this Bill was not by any means a perfect Bill, but it did something which the Irish people had long required; it confirmed to those who lived outside Ulster the principle that had produced the tranquillity and prosperity that existed in Ulster. He heard the observation of the hon. Member for Cork City (Mr. Parnell), and he (Mr. Mitchell Henry) must state that he was not surprised at it; for he had never yet seen any measure introduced into that House which had received his approbation unless it came from some hon. Member with whom he was acting. He (Mr. Mitchell Henry) was not in the habit of judging proposals apart from their abstract merits; but when he saw that an attempt was made to put an end to that frightful system of eviction which had been going on during the past year he could not but give his hearty support to it. Before he sat down, he wished to say that whatever changes in the law of landlord and tenant might be made by the House now or in the future, he believed that these changes would be fruitless in warding off famine, unless the Government seriously considered the whole physical condition of the country. Ireland was a country which was saturated with water. [*Laughter.*] Hon. Members might laugh; but he could only say that if they could see the crops of the poor carried away, year after year, in consequence of that state of things, he thought they would be a little ashamed of their laughter. It was impossible that the population which now existed in Ireland could continue to exist in a condition approaching to that

which a Christian people should do, unless something were done to develop the internal industrial resources of the country. He would guard himself against giving any countenance to the idea that the evils of Ireland were solely political. In his opinion, the evils from which they had suffered were as much industrial and social as political; and he, for one, would be rejoiced to see a Government in power capable of grasping this great problem, and doing for Ireland that which had already been done on a large scale for India.

MR. O'DONNELL said, that although he believed a very considerable number of hon. Members of the Party to which he had the honour to belong considered that, in the present aspect of the question before the House, it was more advisable for them to take no part in voting upon either side, still, while he could enter into their reasons and motives, he felt that he should be doing his duty better to his constituents by voting for the proposition that Mr. Speaker do now leave the Chair. He did not venture to lecture anyone; on the contrary, he thought that the speech—the useful and temperate and patriotic speech—which they had heard from the hon. Member for Galway (Mr. Mitchell Henry) would have been more effective if it had not contained so many strictures on his Colleagues on this side of the House. He would venture to express his surprise that Members of the Conservative Party were apparently so anxious to have upon their hands again the Government of Ireland, at least, from their opposition to the existing Government on this question, it would seem to an unprejudiced observer that they were exceedingly anxious to have to deal with the Irish Land Question themselves. He ventured to think that, with the experience they had had, it would be much better for them that the Land Question should be settled by a Liberal Government; and he took it that although there was a good deal unformed and indefinite about the proposition contained in the Government measure—although the Government Bill was rather indefinite in the first instance, and the propositions it contained were liable to misinterpretation in their purport and scope—yet a good Bill might have been made out of it. But now attempt was being made by

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the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) to distinguish between the treatment of good landlords who had allowed every custom of tenant right to grow up upon their estates, and bad landlords who had not allowed it. He could not believe that the Liberal Party would ever permit the fact that a landlord had permitted a custom to grow up to be pleaded as a bar to compensation which was justly due. He did not believe that anything really Liberal in their Liberalism would consent to such a proposition. They had now only had the question before them on a Motion that they should go into Committee on the general substance of the Bill as it originally stood. In Committee important questions would be raised, and the details of the measure could be more fully discussed than with Mr. Speaker in the Chair. If Irish Members were still dissatisfied with the provisions of the Bill there would be plenty of opportunities for bringing their strength to bear upon the Government if necessary. He thought from the disposition of Her Majesty's Opposition on this side that they would be glad to seek an alliance against the Government.

MR. NEWDEGATE said, that, as one who had had some experience on these Irish questions, he wished to point out to the House that the Bill in its present form contained two very important principles. The substance of the Bill was that, in certain districts which the Government were very careful not to limit too closely, rent was to be suspended. ["No, no!"] Then he must have misread the Bill, or have misunderstood it grossly, if the suspension of the means of obtaining rent was not vested in the County Court Judges. He thought, therefore, that he did not misdescribe the principle of the Bill when he said that it involved the suspension of rent. That was a principle totally alien to the Land Act of 1870. They were told that that statute would give security for rent, which would lead to the improvement of Ireland by immensely raising its credit. That was the plea upon which the Land Act was passed. Since the Bill had been before the House, the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) had given notice that they would be called upon to recognize to the full the tenant right of

Ulster, and something more in these distressed districts, where it did not now exist. These, then, were the two principles involved in the Bill, and he should have thought that the Government would have been able to meet the distress in Ireland by other means. He remembered the relief of distress in 1848 and 1849, and he was not surprised that they sought to avoid the abuses which then appeared almost inseparable from unconditional Parliamentary grants in relief of distress made by this House. At present, no doubt, the Government might well shrink from drawing heavily upon an impoverished Exchequer. Still he (Mr. Newdegate) thought that other means of relief might be devised. But let the House labour under no mistake; if they passed that Bill, though it was nominally meant to provide for a particular emergency, and for limited districts, they would establish the two principles he had endeavoured to describe, far more widely and, in all probability, permanently in Ireland—that rent might be suspended, and that throughout Ireland a tenant right held to exist or be created, not by custom, but by the gift of Parliament. Thus the tenant would become possessed of a right in his holding equivalent in security, though not equal in amount, to that of the landlord. Now these were not two small or unimportant principles; and, inasmuch as England was inseparably united with Ireland, he deprecated this departure of the Liberal Party from the doctrines of political economy in matters of property. They were rigid in their adherence to political economy—that was, to the doctrines of modern political economy in commercial matters; and no part of the United Kingdom had suffered more from the rigid application of the doctrines of modern political economy than Ireland. But he, as an English Member, looked with distrust upon the Bill, as a serious departure from principle in the matter of property. They had been told that the Land Act of 1870 was designed to secure the rent, while it provided for the limitation of the rights of the landlord. Where would that security be if the payment of the rent was to be suspended at the discretion of Parliament? He had heard it said of the land agitators that the Ulster tenant right ought—not by custom, but by legislation—to be extended over all Ire-

land, and they were now invited by Her Majesty's Ministers to commence the process by this Bill. He was not surprised that the hon. Member for Cork City (Mr. Parnell) should have accepted a programme, which he had been at the pains of advocating and disseminating throughout Ireland. Neither was he surprised, when he heard a Constitutional Whig, like the hon. Member for South Northumberland (Mr. Grey), oppose these proposals, and who spoke with the hereditary political ability, at the opening of the debate that evening—a speech which afforded promise of his possessing the political talent for which his family had been so long distinguished. He addressed the House in words of warning when he saw a statesman of the immense ability of the Prime Minister departing from the principles which only 10 years ago he seemed to have finally adopted. He remembered that, at that time, the right hon. Gentleman resisted such wild schemes, when enunciated by no less an authority than the late Mr. John Stuart Mill. In 1866 Mr. Mill enunciated this principle—that the doctrines of strict political economy, though they were applicable to property in England, were not applicable in the case of Ireland. He (Mr. Newdegate) knew Mr. Mill, and after that speech in conversation told him that his Indian experience had outrun his English political knowledge. He (Mr. Newdegate) would only say, in conclusion, that by the Bill before the House they were asked to lay the foundation of a system of feudalism in Ireland under which that which was now ownership would be tenancy in chief—the only difference between the present attempt and the ancient system of feudalism being that henceforth Parliament would be the Chief Lord, instead of the Sovereign.

MR. PELL said, that he was perfectly prepared to take the course suggested by the right hon. Gentleman and to withdraw his Amendment. In two or three words, he could put the House in possession of sufficient reasons for asking to be allowed to take that course. There had been but slight debate upon his Amendment; but he had not lost much on that account, inasmuch as an important debate had arisen upon two principles embodied in the new Amendment of the right hon. and learned Gentleman the Attorney General

for Ireland (Mr. Law). Under those circumstances, it required no argument on his part to support the proposal that he desired to make that he should be permitted to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Question again proposed, "That Mr. Speaker do now leave the Chair."

LORD ELCHO said, he had a question which he wished to put to the Prime Minister—namely, was it a fact that the Marquess of Lansdowne was no longer a Minister?

MR. GLADSTONE: It is.

MR. PARNELL said, that he wished to announce very briefly the reasons which would induce him, and a number of other Irish Members, to leave the House without taking any part in the division on the Motion that Mr. Speaker leave the Chair. They felt that the Bill had assumed an entirely new phase and aspect, and it would be quite impossible for them to sanction the Motion for going into Committee on the Bill as it had now been interpreted by the Government, and as it had been further interpreted by the Amendment which the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) had placed upon the Paper. They believed that the Bill, according to the construction now placed upon it by the Government, would not be a Bill for establishing the principles of free sale in Ireland, but for establishing the principle of forced sale, and that at a most disadvantageous time for the tenant. Advocate as he was of the principle of free sale, he could not consent to have the term used for a purpose, and in a way, which none of its advocates ever intended it should be used. Therefore, they felt that while they could not undertake the responsibility of voting against the Motion for going into Committee, neither could they undertake the responsibility of voting for the Motion. ["Hear, hear!"] The right hon. Gentleman the Prime Minister cried "Hear, hear!" He (Mr. Parnell) could assure the right hon. Gentleman he had felt very strongly impelled to vote against the Motion "That Mr. Speaker do now leave the Chair," and certainly if the Amendment of the right hon. and learned Gentleman the Attorney General for Ireland were inserted in the Bill, he should join the Tory Party in doing his

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best to throw it out on the third reading. He, however, believed that the Conservative Party, when that Amendment had been inserted, would not be so anxious as they now were to prevent the further progress of the measure. In that shape, he felt confident that the Bill would produce more extermination and eviction in Ireland, more outrage and crime, than anything that had been done for 60 years.

MR. W. E. FORSTER: I am not surprised, Sir, at the speech of the hon. Member for the City of Cork (Mr. Parnell). I confess that when I brought in this Bill I did not expect any real help from him; and I was afraid that his views with regard to the question were different, and would be found to be different, from those held by Her Majesty's Government. What we have wished for is this—that in existing circumstances, with the present calamity hanging over the greater part of Ireland, we should guard ourselves against the interest in his holding which we thought belonged to the tenant being taken from him, and transferred to such landlords as might try to obtain it, owing to the exceptional circumstances which existed. I cannot be unaware that the hon. Member, from what he has said out of this House, and, to some extent, from what he has said in this House, seems to have a different object in view, which is, that there should be, practically, a prevention of the payment of rent for this year, and probably, for the next. At any rate, if he does not mean that, I have abundant proof—proof that would convince any hon. Member of this House—that that is the way in which his speeches have been interpreted by many of the tenants in the West of Ireland. That is not the object of Her Majesty's Government. Therefore, I am not surprised at the position taken up by the hon. Member for Cork City; nor shall I be surprised if I and my Colleagues do not, before the end of these discussions, find ourselves in the same Lobby with him. Perhaps, as this is a fuller House than it was when I spoke before, I may repeat what I have already said, for the information of hon. Members who were absent. We have made no change of front. What we stated in the beginning was, that we would secure to the tenant his property in his holding; that we

would not allow it to be unjustly transferred to the landlord under the circumstances of this year. We were asked, what was that property? That property is defined in the 3rd clause of the Land Act to be compensation amounting to a certain number of years' purchase. We said that a tenant would have a right to that compensation if he could prove to the Court several matters—amongst others, that he was unable to pay from a failure of crops; that he was willing to continue in his occupation on reasonable terms—[A Voice: That he should pay no rent.]—No, we never said he should pay no rent—and that those reasonable terms were unreasonably refused by the landlord. A reasonable refusal by the landlord would have been where he allowed him to sell his interest in the property. We were asked several times in the course of the debate whether we meant that, and some hon. Gentlemen said we did, and others that we did not. Finding, therefore, that there was some doubt upon this point, we put it into a clause. The hon. Member for Cork was looking out for an excuse to stand before the people of Ireland—[Cries of "Withdraw!"]—I will withdraw when I am requested by Mr. Speaker to do so.

MR. CALLAN asked, whether the right hon. Gentleman was in Order in making the statement complained of?

MR. SPEAKER: I have not felt it my duty to interpose.

MR. W. E. FORSTER: Perhaps I shall not be considered or stated to be out of Order, if I say that had the hon. Member for Cork City been desirous of coming to some satisfactory arrangement, he would probably have taken the same course as the hon. Member for Dungarvan (Mr. O'Donnell) had taken with regard to the Amendment of my right hon. and learned Friend the Attorney General for Ireland (Mr. Law), and said that in Committee he would oppose the clause, unless he had such additional interpretation as was mentioned by the hon. Member for Dungarvan—namely, that he must be convinced that a free sale did not mean a forced sale. That is a matter which would most properly come on for argument when we get into Committee. I have stated honestly the position of the Government with regard to this clause, and I am anxious to state again that we

have done nothing more than elucidate the position which we have taken up. I will allude to one or two other charges of change of front that have been brought against us. The right hon. Gentleman the late Chancellor of the Exchequer has thought proper to go back to the fact that the Bill has gone round without the names of myself and my right hon. and learned Friends who were the promoters of the Bill. I should have thought that the right hon. Gentleman would have known, with his long experience, the cause of that, which is, simply, that the Bill was brought in late at night. We expected the hon. Member for Mid Lincolnshire (Mr. Chaplin) would move his objection to the introduction of the Bill, which he did, but unsuccessfully. I had the Bill ready to circulate; the names were brought up in the usual way, but the printers did not get them. I should hardly have thought that the right hon. Gentleman would have condescended to mention that circumstance. There has been, absolutely, no other change in the Bill. It is almost word for word with what we at first contemplated. The only matter that might appear to be a change is this explanation of the last condition. The right hon. Gentleman the Member for North Devon dwelt upon what he called the check to the investment of capital in Ireland. Do hon. Members suppose that this Bill will make capital less available in Ireland? It is true it may call the attention of capitalists to the subject; but if there be danger to the investment of capital in Ireland it lies much deeper than this Bill. Capitalists find that, in parts of Ireland, deep distress exists which may recur; which has existed for generations; which was far worse 10 years ago; but which is now less patiently borne by the people who suffer it. These struggling men in the West of Ireland are now able to combine together by the help of the quickness of communication, and by many of them being able to read, and all being able to hear what others read to them; and many have become more alive to their misery and more determined to get rid of it. That is no fault of the present Government, nor even would I say is it the fault of the late Government. This is a fact of which capitalists are probably becoming aware. We bring forward a Bill in which, while, on the one

hand, we state that we must cause the law to be obeyed, and that we must keep peace and order in Ireland, yet we will, if possible, prevent the law from being so strained, under the circumstances of this year, that it should be used to take away the property of the tenants and transfer it to the landlords. Unfortunately, many of the landlords of Ireland disagree with us, though not all; for some of them—and some of the most experienced—agree with us in this matter. I shall not name the landlords who are for us, nor those who are against us. Hon. Members know that there are Irish landlords of great experience who take the same views as we do. Many of them, I admit, say just the contrary, and declare that their rents will be suspended for the next year or the next year and a-half. They have convinced the hon. Member for North Warwickshire (Mr. Newdegate) that their rents were about to be suspended; whereas not a single rent will be suspended, except the rent which is demanded from a tenant who is unable to pay, and which rent is proved to be an unreasonable demand. The Irish landlords are alarmed at this matter; but they are not the only people who have been alarmed, when they think they see the slightest possibility of anything being done which may in any way affect their interest. This is not the first time, by many times, and probably it will not be the last, when persons of a particular class or interest oppose a Bill which is brought forward to secure justice, and to prevent a small minority among them from misusing their rights so as to commit wrong upon others. We find Ireland very difficult to deal with, because of the history of Ireland. In one respect, however, it is easier to deal with than it was 15 years ago, because of the two measures passed by my right hon. Friend. In another respect it is more difficult to deal with, because the people, distressed and miserable as they are, have more knowledge, more means of combination, and greater access to the outer world than they had before. But there is no doubt Ireland is difficult to deal with; and what I complain of is, that taking all the Gentlemen opposite, above and below the Gangway, they do not seem to me to try to diminish that difficulty. If we bring forward a measure which we think but justice to the

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tenant, the hon. Member for Cork City and his Friends will not help; they will rather oppose us, unless it be a measure exactly in accordance with their own extreme views. If we bring forward a measure which is to enable us to enforce the law without committing injustice, we find that hon. Members opposite, instead of trying to secure that there shall be no injustice, and that the landlords shall have their just rights enforced, we find, I say, hon. Members opposite entirely against us, and encouraging what I consider to be a most unwise course. However, though we have these difficulties to deal with, we shall go on and endeavour to meet them as best we can; and I expect that one thing will happen before the end of this discussion, that, at any rate, we shall be credited with sincerity and earnestness.

MR. T. P. O'CONNOR said, he confessed he was unable to sympathize with the air of injured innocence which the right hon. Gentleman the Chief Secretary for Ireland assumed upon the present occasion, because the responsibility for the present position rested upon the shoulders of the right hon. Gentleman and his Colleagues. He (Mr. T. P. O'Connor) thought he could show that in one sentence. The Government had a majority of 78 upon the second reading of the Bill, and he asked why had that majority dissipated? Did hon. Gentlemen think they would get a majority of 78 that night? He knew, at least, 20 hon. Members who voted for the second reading who would walk out of the House when the Question was put from the Chair. Why was that change in the situation? There was no necessity for the Government to make any change whatever. They were strong enough to carry the Bill in its present shape; and it was, therefore, upon them that the responsibility must be laid of placing the Irish Members in the position of supporting them the other night, and not supporting them on the present occasion. The Chief Secretary for Ireland had commended to the imitation of Irish Members the example of the hon. Member for Dungarvan (Mr. O'Donnell), who, according to the interpretation of the right hon. Gentleman, had said he would wait until he got from the Government an explanation as to the real meaning of the Chief Secretary for Ireland. But they would

wait before going into Committee, until they knew what was the principle upon which they were voting. Did the Amendment of the right hon. and learned Attorney General for Ireland change, or not change, the principle of the Bill? The right hon. Gentleman the late Chancellor of the Exchequer, the hon. Member for Cork City, and others, had all expressed the opinion that that new Amendment did change the principle of the Bill. That, at least, proved that it was a doubtful point whether the principle of the Bill had changed or not; and, if it were doubtful, had they not, at any rate, the right to expect that the Government, before asking them to change their views, would explain clearly how far the Amendment of the right hon. and learned Gentleman agreed with, or differed from, the principle of the measure. The Government were responsible for the unfortunate dead-lock in which they had put the Bill. He would endeavour to explain how, in his opinion, the Amendment in question did change the principle of the Bill. It changed the principle by forcing upon the tenant the sale, or an offer to sell, his property under the most unfavourable conditions. It would be a perfectly reasonable thing to say in ordinary times that the fair value of the property of the tenant in the soil was only to be discovered by competition in the public market. But in what times were the Government legislating? According to their own opinion, and according to the knowledge of everybody else, they were forcing the tenantry of Ireland to put their property in the market at a moment of social and political convulsion. They were forcing the tenants to offer their property for sale when there was not the smallest chance of their getting value for that property, and when no man could bid for it, owing to the combination existing among themselves. The Government were bound to recognize the fact that owing to a combination, or, if hon. Members liked, a conspiracy, amongst the tenants, nobody dare bid for a farm vacated by any man on eviction. Under the Amendment of the right hon. and learned Gentleman, a landlord would say to his tenant—"I give you the chance of selling this property. If you sell it, I will let you take the money you can get for it; but, if

you do not succeed in selling it, I am backed up by the law, and can put you out without compensation." Supposing even, that the tenant was able to sell his property, was it not the position of the Government that they did not want to force him to leave his land, if by any possibility that could be avoided? Emigration was a good thing; but he (Mr. T. P. O'Connor) would point out that emigration, when forced by the laws, was little less or better than exile. The Government, he repeated, had made a change in the principle of the Bill. While giving a boon with one hand, they took it away with the other; and, although they strove to shift the responsibility for delay on to the hon. Member for Cork City, it was upon the head of the Government that the responsibility rested, if what was once a good measure should become meagre and untrustworthy, and be defeated in the House of Commons.

THE O'DONOGHUE said, he wished to be allowed to point out that the right hon. Gentleman the Chief Secretary for Ireland had not accurately stated the objects of the Government in bringing in the Bill, in saying that it was to secure the tenant in his property. That was not the object of the Government. The object of the Government was to prevent the tenant being disturbed in his holding, and that object they hoped to accomplish by means of penalties on the landlord, if he attempted to exact rent which the Government held, under the circumstances of the year, he ought not to exact. But now the Government were going to force the tenant to sell, and the effect of that would be to put into the pocket of the landlord all the rent which the Government previously said he ought not to collect from the tenant, and to turn the tenant into the world a beggar with but a few shillings in his pocket.

Question put, and *agreed to*.

Main Question put.

The House *divided*:—Ayes 255; Noes 199: Majority 56.

AYES.

Acland, Sir T. D.	Ainsworth, D.
Adam, rt. hon. W. P.	Anderson, G.
Agar - Robartes, hon. T. C.	Armitage, B.
	Armitstead, G.
Agnew, W.	Arnold, A.

Mr. T. P. O'Connor

Ashley, hon. E. M.	Errington, G.
Balfour, J. S.	Fairbairn, Sir A.
Barnes, A.	Farquharson, Dr. R.
Barran, J.	Fawcett, rt. hon. H.
Bass, A.	Ferguson, R.
Baxter, rt. hon. W. E.	Ffolkes, Sir W. H. B.
Beaumont, W. B.	Findlater, W.
Bolton, J. C.	Firth, J. F. B.
Borlase, W. C.	Flower, C.
Bradlaugh, C.	Foljambe, C. G. S.
Brassey, H. A.	Forster, Sir C.
Brassey, T.	Forster, rt. hon. W. E.
Briggs, W. E.	Fort, R.
Bright, J. (Manchester)	Fowler, H. H.
Bright, rt. hon. J.	Fry, L.
Brinton, J.	Fry, T.
Broadhurst, H.	Gabbett, D. F.
Brogden, A.	Gladstone, rt. hn. W. E.
Brooks, M.	Gladstone, H. J.
Brown, A. H.	Gladstone, W. H.
Bruce, rt. hon. Lord C.	Gordon, Sir A.
Bruce, hon. R. P.	Gourley, E. T.
Bryce, J.	Gower, hon. E. F. L.
Burt, T.	Grant, A.
Butt, C. P.	Grant, D.
Buxton, F. W.	Grant, Sir G. M.
Caine, W. S.	Grenfell, W. H.
Cameron, C.	Gurdon, R. T.
Campbell, Sir G.	Hamilton, J. G. C.
Campbell, R. F. F.	Harcourt, rt. hon. Sir
Campbell-Bannerman, H.	W. G. V. V.
Carington, hon. R.	Hardcastle, J. A.
Carington, hon. Col. W. H. P.	Hartington, Marq. of
Causton, R. K.	Hastings, G. W.
Cavendish, Lord E.	Havelock-Allan, Sir H.
Cavendish, Lord F. C.	Hayter, Sir A. D.
Chamberlain, rt. hn. J.	Heneage, E.
Chambers, Sir T.	Henry, M.
Cheetham, J. F.	Herschell, Sir F.
Childers, rt. hn. H. C. E.	Hibbert, J. T.
Chitty, J. W.	Holland, S.
Clarke, J. C.	Hollond, J. R.
Cohen, A.	Holms, J.
Collinga, J.	Holms, W.
Collins, E.	Howard, E. S.
Colman, J. J.	Hughes, W. B.
Colthurst, Col. D. la T.	Inderwick, F. A.
Corbett, J.	Ingram, W. J.
Cotes, C. C.	Jackson, Sir H. M.
Courtauld, G.	James, C.
Courtney, L. H.	James, Sir H.
Cowan, J.	James, W. H.
Craig, W. Y.	Jardine, R.
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Bill *considered* in Committee; Committee report Progress; to sit again *To-morrow*, at Two of the clock.

WILD BIRDS PROTECTION LAW AMENDMENT (*re-committed*) BILL.

(*Mr. Dillwyn, Sir John Lubbock, Mr. James Howard.*)

[BILL 253.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title), *agreed to*.

Clause 2 (Definition of terms).

MR. T. C. THOMPSON said, he was anxious by the Amendment he was about to propose to except from the operation of the Bill blackbirds, thrushes, and nightingales. He admitted that these birds were of the kind that those desirous of protecting wild birds would desire to protect most; but behind that fact a large number of persons entirely unrepresented in that House took a great interest in song birds when captured. The poor in the crowded streets of the Metropolis had not the means possessed by the rich in their country houses of enjoying the songs of birds in a state of liberty. It was a feature of the practice of training song birds that they must be captured when extremely young; just when they were beginning to fly, for unless they were taken at that time it was impossible to train them for singing purposes. There were, at least, 35,000 blackbirds and a corresponding number of thrushes taken every year in that way, which afterwards contributed to the happiness of the poor in the crowded streets of London. He was, by moving the exception of these birds, advocating the cause of the very poor; and he begged the Committee to think of the miserable and sick little children whose only plea-

sure, perhaps, while lying awake, was the song of the birds he had mentioned. He knew it was an easy thing to turn the amusements of the poor into ridicule, and that it was difficult to pass from such an important subject as the House had been considering that evening to the discussion of such a question as this. But he begged the Committee to consider the Amendment with reference to the circumstances of the very poor. He appealed particularly to hon. Members for Ireland for their support; and would remind them that he had often gone with them in division when in a small minority, because he believed they were advocating the interests of the poor in Ireland. He trusted the Committee would agree to the insertion of the words "except blackbirds, thrushes, and nightingales," which he begged to move.

Amendment proposed,

In page 1, line 10, after the words "wild birds," to insert the words "blackbirds, thrushes, and nightingales."—(*Mr. Thompson.*)

Question proposed, "That those words be there inserted."

MR. DILLWYN quite agreed with the sentiments expressed by the hon. Member who had just sat down (*Mr. Thompson*) with regard to the pleasure derived by the poor from song birds; but he would point out that the birds which the hon. Member desired to except from the operation of the Bill had almost disappeared from the neighbourhood of towns. But the chief objection to the proposal, however, was that the exception in the former Act had rendered it ineffective, and the present Bill would be liable to the same breakdown if its application were restricted. He could not, therefore, agree to the Amendment.

THE SOLICITOR GENERAL FOR IRELAND (*Mr. W. M. Johnson*) proposed to omit the word "nightingales" from the proposed Amendment.

MR. T. C. THOMPSON said, the greater number of nightingales were caught in the beginning of April; and these birds, he would add, were very migratory. Blackbirds and thrushes were not so migratory as nightingales; but an enormous number of them came over from Norway every spring. For that reason there was no particular object in preserving blackbirds and thrushes.

Everybody knew that the country abounded with them, and consequently there was no reason for including them in the Bill. But there was a very strong reason for excepting them, as he had shown that a large number of the poor would otherwise be deprived of a necessary and innocent pleasure.

Amendment proposed to the said proposed Amendment, to leave out the word "nightingales."—(*Mr. Solicitor General for Ireland.*)

Question, "That the word 'nightingales' stand part of the said proposed Amendment," put, and *negatived*.

Question put, "That the words 'black-birds, thrushes,' be there inserted."

The Committee *divided*:—Ayes 18; Noes 61: Majority 43.—(*Div. List, No. 46.*)

MR. C. S. PARKER hoped the hon. Member for Swansea (Mr. Dillwyn) would consent to strike out the wild goose from the Schedule. These birds came in great numbers to the coast of Perthshire and other parts of Scotland, and caused serious damage to the crops.

MR. DILLWYN pointed out that the wild goose got no additional protection from the measure than it had before.

MR. C. S. PARKER said, he would not move the Amendment now, but would bring it up, if necessary, on the Report.

Clause *agreed to*.

Remaining clauses verbally *amended*, and *agreed to*.

House *resumed*.

Bill *reported*; as amended, to be considered upon *Monday* next.

INDUSTRIAL SCHOOLS (POWERS OF SCHOOL BOARDS) (SCOTLAND) BILL.

On Motion of Mr. JAMES STEWART, Bill to enable School Boards to contribute to the support of Inmates of Industrial Schools in Scotland, *ordered* to be brought in by Mr. JAMES STEWART, Mr. COWAN, and Mr. PATRICK.

Bill *presented*, and read the first time. [Bill 263.]

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Question, Mr. Courtney; Answer, Sir William Harcourt July 1, 1257

Cleveland Ironworks, Middlesborough, Fatal Accident at

Question, Mr. Macdonald; Answer, Sir William Harcourt July 8, 1904

Closing of Public-Houses on Sunday

Amendt. on Committee of Supply June 25, To leave out from "That," and add "in the opinion of this House, it is expedient that the Law which limits the hours of sale of intoxicating drinks on Sunday in England and Wales should be amended so as to apply to the whole of that day" (Mr. Stevenson) v., 893; Question proposed, "That the words, &c.;" after debate, Question put, A. 117, N. 153, M. 36; Div. List, A. and N. 916

Question proposed, "That those words be there added"

Amendt. proposed to said proposed Amendt., to leave out after "apply," and add "as nearly as possible to the whole of that day, making such provision only for the sale during limited hours of beer, ale, porter, cider, or perry, for consumption off the premises in the country; and, for the requirements of the inhabitants of the Metropolitan district, as may be found needful to secure public co-operation in the alteration of the Law" (Mr. Pease) v.; Question proposed, "That the words, &c.;" Question put, and negatived

Words added; main Question, as amended, put, and agreed to

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Colonial Regulations, Rule 75—Barbadoes

Question, Mr. Errington; Answer, Sir Charles W. Dilke July 5, 1631

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Sea Fisheries (Ireland), 2R. 1826

Treaty of Berlin—Roman Catholics in Montenegro, 710

Common Law Procedure and Judicature Acts Amendment Bill*(Mr. Mellor, Mr. Gregory, Mr. Marriott)*

- c. Ordered; read 1^o June 17 [Bill 229]
 Read 2^o June 24
 Committee; Report June 28, 1088
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Compensation for Disturbance (Ireland) Bill

Question, Sir Hervey Bruce; Answer, Mr. W. E. Forster June 21, 433; Questions, Colonel Makins, Mr. A. M. Sullivan; Answers, Mr. W. E. Forster June 22, 543; Question, Mr. Tottenham; Answer, Mr. W. E. Forster July 8, 1921

Payment of Tithes Rent-Charge, &c., Question, Mr. Muntz; Answer, Mr. W. E. Forster June 25, 837

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The Schedule, Question, Mr. Labouchere; Answer, Mr. W. E. Forster June 22, 540

Compensation for Disturbance (Ireland) Bill

(Mr. William Edward Forster, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland)

- c. Moved, "That leave be given to bring in a Bill to make temporary provision with respect to Compensation for Disturbance in certain cases of Ejectment for non-payment of rent in parts of Ireland" (*Mr. William Edward Forster*) June 18, 893; after short debate, Moved, "That the Debate be now adjourned" (*Mr. Halsey*); after further short debate, Motion withdrawn; original Question put, and agreed to; Bill ordered; read 1^o

[Bill 232]

Moved, "That the Bill be now read 2^o" June 25, 844

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Chaplin*); Question proposed, "That 'now,' &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. Tottenham*); Motion agreed to; Debate adjourned

Debate resumed June 29, 1124; after long debate, Moved, "That the Debate be now adjourned" (*Lord Randolph Churchill*); Question put, and agreed to; Debate adjourned

Debate resumed July 5, 1640; after long debate, Question put; A. 295, N. 217; M. 78

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Main Question put, and agreed to; Bill read 2^o
 Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 8, 1921

Amendt. to leave out from "That," and add "this House considers that the Compensation for Disturbance (Ireland) Bill should be limited to the case of tenants on properties where evictions have taken place since the 1st day of November 1879" (*Mr. Pell*) v.; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn

[cont.]

Compensation for Disturbance (Ireland) Bill—cont.

Question again proposed, "That Mr. Speaker, &c.;" after short debate, Question put, and agreed to

Main Question put; A. 255, N. 199; M. 56; Committee—R.F.

Div. List, A. and N., 1987

Consolidated Fund (No. 1) Bill

(Mr. Playfair, Mr. Chancellor of the Exchequer, Lord Frederick Cavendish)

- c. Resolution [June 18] reported, and agreed to; Bill ordered; read 1^o June 21

Read 2^o June 22

Committee; Report June 23

Read 3^o June 24

- l. Read 1^o (*Earl Granville*) June 25

Read 2^o; Committee negatived; read 3^o June 28

Royal Assent June 29 [43 & 44 Vict. c. 8]

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Select Committee appointed, "to inquire into the Contagious Diseases Acts, 1866-9, their administration, operation, and effect" June 23; Select Committee nominated July 9; List of the Committee, 682

Constitution of the Select Committee, Question, Sir Harcourt Johnstone; Answer, Mr. Childers July 1, 1259

Conveyancing and Law of Property Bill[H.L.] (*The Earl Cairns*)

- l. Report June 15 (No. 82)

Read 3^o June 17

- c. Read 1^o (*Sir Stafford Northcote*) June 18

2R. [Dropped]

[Bill 231]

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Civil Service Stores, Questions, Mr. Finigan; Answers, Mr. Chamberlain July 8, 1913

CORBET, Mr. W. J., *Wicklow Co.*

Parliamentary Affirmation, Res. 1296

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CORRY, Mr. J. P., *Belfast*

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COTTON, Mr. W. J. R., London
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County Bridges Bill (*Mr. Beaumont, Sir Matthew Ridley, Colonel Kingscote*)

- c. Ordered; read 1^o June 16 [Bill 226]
Read 2^o June 23
Committee^e; Report June 25
Read 3^o June 29
l. Read 1^o (*Earl of Camperdown*) July 1
Read 2^o July 6 (No. 113)
Committee^e; Report July 8

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(*Mr. Playfair, Mr. Chancellor of the Exchequer, Lord Frederick Cavendish*)

- c. Clause 33—*The Beer Duty*, Questions, Mr. Biddell; Answers, Mr. Gladstone June 23, 541
Moved, "That the Bill be now read 2^o" June 24, 727
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Main Question put, and agreed to; Bill read 2^o [Bill 221]
Committee; Report; Re-comm., after short debate July 6, 1787

Customs Department — Compulsory Retirement

Question, Mr. A. M. Sullivan; Answer, Lord Frederick Cavendish July 5, 1630

Cyprus—The Harbour of Famagusta

Question, Observations, The Duke of Somerset, Lord Lilford; Reply, The Earl of Kimberley; Observations, Viscount Cranbrook July 2, 1380

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ment, 2R. 244; Comm. cl. 2, 1496; Amendt.
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Drainage and Improvement of Lands (Ireland) Provisional Order Bill

(*The Lord President*)

- l. Committee^e; Report June 15 (No. 77)
Read 3^e June 17
Royal Assent June 29 [43 & 44 Vict. c. xxxv]

Drainage and Improvement of Lands (Ireland) Provisional Order (No. 2) Bill

(*Lord Frederick Cavendish, Mr. W. E. Forster*)

- c. Report^e June 17 [Bill 187]
Read 3^e June 18
l. Read 1^a (*Lord President*) June 21 (No. 93)
Read 2^a June 28
Committee^e; Report June 29
Read 3^e July 1

DUCKHAM, Mr. T., Herefordshire

Agricultural Holdings (England) Act (1875) Amendment, 2R. 1864
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DUFF, Right Hon. M. E. G. (Under Secretary of State for the Colonies), Elgin, &c.

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Teachers' Certificates, Question, Baron Henry de Worms; Answer, Mr. Mundella July 8, 1916
The New Code of Regulations, 1880, Questions, Mr. B. Samuelson, Mr. Broadhurst; Answers, Mr. Mundella June 28, 956
The Education Code, 1879-80—*Article 29—Day and Evening Schools*, Question, Mr. J. Howard; Answer, Mr. Mundella June 28, 968

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Board Schools—Corporal Question, Sir Charles Reed: Harcourt July 1, 124f

Educational Endowments (Scotland) Bill

[H.L.] (*The Lord President*)

- l. Presented; read 1^a June 28 (No. 105)

Education (Scotland) Acts 1872 and 1878 Extension Bill

(*Mr. Paddie, Mr. William Holmes, Colonel Alexander, [Mr. Henderson, Mr. Mark Stewart]*)

- c. Ordered; read 1^a June 30 [Bill 252]

EDWARDS, Mr. J. PASSMORE, Salisbury

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Elementary Education Bill [H.L.]

(*The Lord President*)

- l. Presented; read 1^a June 28 (No. 106)
Read 2^a, after short debate July 5, 1615
Committee; Report July 8, 1866

Elementary Education Provisional Orders Confirmation (Cardiff, &c.) Bill [H.L.]

(*The Lord President*)

- l. Presented; read 1^a, and referred to the Examiners June 25 (No. 100)
Read 2^a July 2

Elementary Education Provisional Order Confirmation (London) Bill [H.L.]

(*The Lord President*)

- l. Presented; read 1^a, and referred to the Examiners June 25 (No. 101)

Elementary Education—The New Code of Regulations—The Fourth Schedule

Moved, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that the Fourth Schedule be omitted from the new Code of Regulations issued by the Committee

[cont.]

Elementary Education—The New Code of Regulations—The Fourth Schedule—cont.

of the Privy Council on Education and now lying on the Table of this House (*The Lord Norton*) June 18, 264; after debate, on Question? Cont. 98, Not-Cont. 50; Majority 48 Resolved in the Affirmative

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The Queen's Answer to Address reported June 28, 949

Question, Observations, Lord Norton; Reply, Earl Spencer; short debate thereon July 6, 1735

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Army (Auxiliary Forces)—Adjutants of Militia and Yeomanry, 709

Employers and Workmen Act (1875) (Extension to Seamen) Bill

(*Mr. Burt, Mr. Joseph Cowen, Mr. Gourley, Mr. Gorst, Mr. Macdonald*)

c. Bill withdrawn, after short debate June 16, 157 [Bill 204]

Employers' Liability Bill [Bill 118]

(*Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey*)

c. *Government Dockyards*, Question, Mr. Macdonald; Answer, The Attorney General June 18, 295

Order for Committee (*on re-comm.*) read; Moved, "That Mr. Speaker do now leave the Chair" July 2, 1899

Amendt. to leave out from "That," and add "no measure dealing with the Employers' Liabilities for Injuries sustained by their Servants can be accepted as a satisfactory solution of the question which admits, as a ground of defence in any action or proceeding brought for the recovery of damages or for compensation in respect to bodily injury or loss of life, that the person by whose negligence the injury or loss of life is alleged to have been occasioned was employed in a common employment with the person killed or injured" (*Mr. Macdonald*) v.; Question proposed, "That the words, &c.;" after debate, Moved, "That the Debate be now adjourned" (*Mr. Staveley Hill*); after further short debate, Debate adjourned

Debate resumed July 6, 1752; after short debate, Amendt. withdrawn

Amendt. to leave out from "That," and add "the Bill be referred to a Select Committee" (*Mr. Knowles*) v.; Question proposed, "That the words, &c.;" after debate, Question put; A. 259, N. 180; M. 129 (D. L. 48) Question again proposed, "That Mr. Speaker, &c.;" Debate adjourned

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Christ's Hospital, Question, Mr. W. H. James; Answer, Mr. Mundella June 24, 710

Durwich College—The New Scheme, Question, Mr. Bryce; Answer, Mr. Mundella June 17, 200

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Highway Acts, Motion for a Select Committee, 408

Union Assessment Committee (Single Parishes), 2R. 1751

Epping Forest Bill

(*Mr. Arthur Peel, Secretary Sir William Harcourt*)

c. Ordered; read 1st July 7 [Bill 261]

ERRINGTON, Mr. G., Longford Co.

Births and Deaths Registration (Ireland), Comm. 1083

Colonial Regulations—Rule 75—Barbadoes, 1631

Governor Strahan, 1912

ESTCOURT, Mr. G. B. Sotheran, Wiltshire, N.

Highways (Horse Rate), 2R. 935

European Armaments—Mutual Reduction

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to instruct Her Principal Secretary of State for Foreign Affairs to enter into communication with other Powers, with a view to bring about a mutual and simultaneous reduction of European Armaments" (*Mr. Richard*) June 15, 80

After debate, Amendt. to leave out from "That," and add "in the opinion of this House, it is the duty of Her Majesty's Government on all occasions, when circumstances admit of it, to recommend to Foreign Governments a reduction of European Armaments" (*Mr. Courtney*) v.; Question proposed, "That the words, &c.;" Question put, and negatived

Words added; main Question, as amended, put, and agreed to

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EWING, Mr. A. ORR-, Dumbarton

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Compensation for Disturbance (Ireland), 2R.
1684

Fixity of Tenure (Ireland) Bill
(Mr. Litton, Mr. Dickson, Mr. Given, Mr.
Findlater, Mr. James Richardson)
c. Moved, "That the Bill be now read 2^o"
June 30, 1181 ; after debate, Previous Ques-
tion proposed, "That that Question be now
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(Dr. Cameron, Mr. Ramsay, Mr. Middleton, Mr. Mark Stewart)

c. Select Comm. Colonel Alexander, Mr. Webster added June 23

Friendly Societies Act, 1875

Moved for, "A Return for 1878 of the names of the Registered Societies which have failed to make the annual Returns of balance sheets as required by the Act, with a statement of the penalties enforced for non-compliance with the requirements of the Act under this particular" (*The Earl Nelson*) June 28, 950; after short debate, Motion amended, and agreed to

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a. Ordered; read 1^o June 21 [Bill 289]

Gas and Water Orders Confirmation Bill

(*Mr. Ashley, Mr. Chamberlain*)

c. Report June 17 [Bill 176]

Read 3^o June 18

l. Read 1^o (*Viscount Enfield*) June 21 (No. 94)

Read 2^o June 22

General Police and Improvement (Scotland) Provisional Order (Broughty Ferry) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

a. Read 3^o June 23 [Bill 88]

l. Read 1^o (*Earl of Fife*) June 24 (No. 99)

Read 2^o July 2

Committee; Report July 5

Read 3^o July 6

GIBSON, Right Hon. E., Dublin University

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Great Seal Bill [H.L.]

(*The Lord Chancellor*)

1. Presented; read 1st June 21 (No. 90)

Read 2nd June 24

Committee June 28

Report June 29

Read 3rd July 2

c. Read 1st (Mr. Attorney General) July 7 [Bill 258]

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GUEST, Mr. M. J., *Wareham*

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Gun Licence Act (1870) Amendment Bill
(*Sir Alexander Gordon, Mr. Pell, Mr. M'Lagan, Mr. Mark Stewart*)

c. Moved, "That the Bill be now read 2^o"
June 16, 1872

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Sexton*);
Question proposed, "That 'now' &c.;"
after short debate, Amendt. and Motion withdrawn; Bill withdrawn [Bill 193]

GURDON, Mr. R. T., Norfolk, S.
Customs and Inland Revenue, 2R. 772

Hall Marking (Gold and Silver)—Forged Hall Marks

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 Removal), 2R. 151

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Moved, That a Select Committee be appointed
 to inquire into the operation of the Highway
 Acts, and also to consider whether it may be
 desirable to consolidate and amend the same
 (*The Earl De La Warr*) *June* 21, 405;
 after short debate, Motion agreed to
 Committee nominated *July* 2; List of the
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Question, Mr. A. J. Balfour; Answer, Mr.
 Dodson *June* 17, 193

Highways (Horse Rate) Bill [Bill 203]
 (*Mr. Sotherton Estcourt, Mr. Reginald Yorke, Mr.*
Chesler Master, Mr. Henage)

c. Moved, "That the Bill be now read 2^o"
June 25, 935; after short debate, Moved,
 "That the Debate be now adjourned" (*Mr.*
Magniac); Question put, and agreed to;
 Debate adjourned

Highways—Maintenance of Main Roads

Moved, "That, in the opinion of this House,
 it is not just that the cost of maintenance of
 Main Roads should be wholly and entirely
 borne by the Local Rates" (*Mr. Richard*
Paget) *July* 6, 1814 [House counted out]
 Question, Sir Baldwin Leighton; Answer,
 Mr. Dodson *July* 8, 1916

HILL, Mr. A. Staveley, Staffordshire, W.
 Closing of Public-Houses on Sunday, Res. 908
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Mr. Henry Samuelson, Mr. Firth, Mr. Barran)
c. Bill withdrawn * *July* 7 [Bill 134]

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ILLINGWORTH, Mr. A., *Bradford*

Relief of Distress (Ireland) Act (1880) Amend-
ment, Comm. cl. 2, 1489

**Inclosure Provisional Order (Abbotside
Common) Bill** (*Mr. Arthur Peel,*
Secretary Sir William Harcourt)

- c. Read 2^o, and committed June 22 [Bill 218]
Report * July 2
Read 3^o * July 3
l. Read 1^o * (*Viscount Enfield*) July 5 (No. 119)

**Inclosure Provisional Order (Clent Hill
Common) Bill** (*Mr. Arthur Peel,*
Secretary Sir William Harcourt)

- c. Read 2^o, and committed June 22 [Bill 217]
Report * July 6
Read 3^o * July 7
l. Read 1^o * (*Viscount Enfield*) July 8 (No. 124)

**Inclosure Provisional Order (Hendy Bank.
Common) Bill** (*Mr. Arthur Peel,*
Secretary Sir William Harcourt)

- c. Ordered; read 1^o * June 18 [Bill 288]
Read 2^o * June 28

**Inclosure Provisional Order (Llandegley
Rhos Common) Bill** (*Mr. Arthur*
Peel, Secretary Sir William Harcourt)

- c. Ordered; read 1^o * June 18 [Bill 236]
Read 2^o * June 28

**Inclosure Provisional Order (Llanfair
Hills) Bill** (*Mr. Arthur Peel,*
Secretary Sir William Harcourt)

- c. Read 2^o, and committed June 22 [Bill 216]
Report * July 8

**Inclosure Provisional Order (Steventon
Common) Bill** (*Mr. Arthur Peel,*
Secretary Sir William Harcourt)

- c. Ordered; read 1^o * June 18 [Bill 235]
Read 2^o * June 28

**Inclosure and Regulation Provisional
Order (Lizard Common) Bill** (*Mr.*
Arthur Peel, Secretary Sir William Harcourt)

- c. Ordered; read 1^o * June 18 [Bill 237]
Read 2^o * June 28

INDERWICK, Mr. F. A., *Rye*
Employers' Liability, Comm. 1401

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Administration of Justice, Question, Mr. Pugh;
Answer, The Marquess of Hartington July 8,
1896

Behar, Question, Mr. Justin M'Carthy; An-
swer, The Marquess of Hartington July 5,
1896

Case of Mr. Taylor, Question, Mr. Cart-
wright; Answer, Sir Eardley Wilmot June 24,
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*East Indian Railways—Report of the Depart-
mental Committee*, Question, Mr. Norwood;
Answer, The Marquess of Hartington July 1,
1255

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Duties on Salt, Question, Mr. Wilbraham
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ington June 17, 178

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Mr. Courtney; Answer, Mr. Gladstone
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The Financial Position of India, Question,
Mr. Baxter; Answer, The Marquess of Hart-
ington July 5, 1637

The Financial Statement, Question, Mr. Bir-
ley; Answer, The Marquess of Hartington
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Opium Trade in British Burmah, Question,
Mr. Mark Stewart; Answer, The Marquess
of Hartington June 21, 428; Question, Mr.
Pease; Answer, The Marquess of Harting-
ton July 8, 1900

Punishment of Flogging in Indian Gaols, Ques-
tions, Mr. Thompson, Mr. A. M. Sullivan;
Answers, The Marquess of Hartington
June 28, 960; Question, Mr. A. M. Sullivan;
Answer, The Marquess of Hartington July 1,
1246

Railway Bridges, Question, Mr. Anderson;
Answer, The Marquess of Hartington
June 28, 968

Railways—Portugal—The Port of Goa, Ques-
tion, Mr. M. Scott; Answer, The Marquess
of Hartington July 1, 1249

The Attack Bridge, Question, Mr. Onslow;
Answer, The Marquess of Hartington
June 21, 426

The Famine Commission—The First Report,
Question, Mr. E. Stanhope; Answer, The
Marquess of Hartington July 5, 1635

Industrial Schools Bill

(*Colonel Alexander, Mr. Robert N. Fowler, Mr.*
Villiers Stuart, Mr. Whitley, Mr. William
Holms, Mr. Blake)

- c. Ordered; read 1^o * June 24 [Bill 247]

**Industrial Schools (Powers of School
Boards) (Scotland) Bill**

(*Mr. James Stewart, Mr. Cowan, Mr. Patrick*)

- c. Ordered; read 1^o * July 8 [Bill 263]

**Intemperance—Report of the Select Com-
mittee**

Question, Observations, The Earl of Onslow;
Reply, The Earl of Fife; debate thereon
July 2, 1866

Intoxicating Liquors (Licences)

Amendt. on Committee of Supply June 18, To
leave out from "That," and add "inasmuch
as the ancient and avowed object of Licen-
sing the Sale of Intoxicating Liquors is to
red public want, without detri-

[cont.]

[cont.]

Intoxicating (Liquors) Licences—cont.

ment to the public welfare, this House is of opinion that a legal power of restraining the issue or renewal of Licences should be placed in the hands of the persons most deeply interested and affected, namely, the inhabitants themselves, who are entitled to protection from the injurious consequences of the present system, by some efficient measure of local option" (*Sir Wilfrid Lawson*) v., 340; Question proposed, "That the words, &c.;" after long debate, Question put; A. 203, N. 229; M. 26

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Words added; main Question, as amended, put, and agreed to

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Return of Ejectments, Question, Sir Baldwyn Leighton; Answer, Mr. W. E. Forster July 1, 1256

Evictions, Question, Observations, The Earl of Annesley, The Earl of Leitrim; Reply, Earl Spencer June 22, 530; Question, Lord Elcho; Answer, Mr. W. E. Forster June 28, 954

Eviction in Kerry, Question, The O'Donoghue; Answer, Mr. W. E. Forster June 28, 966

Evictions at Ballyduff — The Constabulary, Question, The O'Donoghue; Answer, Mr. W. E. Forster July 5, 1634

Evictions by Execution Creditors, Question, Mr. Parnell; Answer, The Attorney General for Ireland July 1, 1242

Famine Fever in Mayo, Questions, Mr. A. M. Sullivan, Mr. O'Connor Power; Answers, Mr. W. E. Forster June 21, 441

Maps, &c., of the Relief Works in Ireland, Question, Major Nolan; Answer, Mr. W. E. Forster June 21, 438

Public Works Loans — Board of Works — Drainage Works at Bruff and Athlaca, County Limerick, Question, Mr. O'Sullivan; Answer, Mr. W. E. Forster June 25, 838

Relief Works

Relief Works, Co. Mayo, Questions, Mr. O'Connor Power, Mr. Finigan; Answers, Mr. W. E. Forster July 8, 1897

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Removal of National School Teachers, Question, Sir Patrick O'Brien; Answer, Mr. W. E. Forster June 28, 966

Assistant Teachers, Question, Mr. Parnell; Answer, Mr. W. E. Forster July 1, 1241

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National School Teachers' Residence Act, Question, Mr. Bellingham; Answer, Mr. W. E. Forster June 15, 64

Remission of Result Fees, Question, Mr. A. M. Sullivan; Answer, Mr. W. E. Forster July 6, 1752; Question, Mr. Justin M'Carthy; Answer, Mr. W. E. Forster July 8, 1902

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The Galway Model Schools, Question, Mr. Martin; Answer, Mr. W. E. Forster June 25, 838

Model Schools, Question, Mr. Biggar; Answer, Mr. W. E. Forster July 8, 1894

Kilkenny County—Non-payment of Fees, Question, Mr. Martin; Answer, Mr. W. E. Forster June 17, 199

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Local Government Board—The Report, Question, Sir Michael Hicks-Beach ; Answer, Mr. W. E. Forster June 24, 718

Pease Preservation (Ireland) Act—Fines for Outrages, Question, Mr. O'Kelly ; Answer, Mr. W. E. Forster June 21, 422

Poor Law

Belfast Workhouse, Question, Mr. A. Moore ; Answer, Mr. W. E. Forster June 28, 955
Out-door Relief, Question, Colonel Colthurst ; Answer, Mr. W. E. Forster June 15, 61
Workhouse Chaplains, Questions, Major O'Beirne, Mr. A. M. Sullivan ; Answers, Mr. W. E. Forster, Mr. Dodson June 21, 470

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Postal Communication in Leitrim, Question, Major O'Beirne ; Answer, Mr. Fawcett June 22, 536

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Railways—Limerick Junction, Question, Mr. A. Moore ; Answer, Mr. Chamberlain July 5, 1624 ;—*Southern Railway (Clonmel and Thurles)*, Question, Mr. P. J. Smyth ; Answer, Mr. Chamberlain July 1, 1257

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Agrarian Crime, Question, Mr. Tottenham ; Answer, Mr. W. E. Forster July 1, 1258

Service of Process—The Constabulary, Question, Observations, Lord Oranmore and Browne ; Reply, Earl Granville ; Observations, Viscount Sherbrooke June 29, 1105

The Irish Spring Assizes, Question, The Earl of Leitrim ; Answer, Earl Spencer June 21, 409

The Royal Irish Constabulary—Buckshot, Question, Mr. Parnell ; Answer, Mr. W. E. Forster June 24, 709 ;—*Religious Statistics*, Question, Mr. O'Donnell ; Answer, Mr. W. E. Forster June 17, 184 ;—*The Oath or Form of Attestation*, Questions, Mr. O'Donnell, Mr. Finigan ; Answers, Mr. W. E. Forster June 17, 185

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The Municipal Boundary Commission, Question, Mr. Dawson ; Answer, Mr. W. E. Forster June 17, 202

The Phoenix Park, Dublin, Question, Mr. M. Brooks ; Answer, Mr. W. E. Forster July 5, 1622

The Science and Art Museum, Dublin, Question, Mr. Foley ; Answer, Mr. Mandella June 17, 181

Ireland—Agricultural Holdings

Moved for, "Return showing the number of Agricultural Holdings in each Poor Law Union scheduled under the Relief of Distress (Ireland) Act, 1880, valued at under £4 ; £4 and not exceeding £10 ; £10 and not exceeding £15 ; £15 and not exceeding £20" (*The Lord Ventry*) June 21, 409 ; Motion amended, and agreed to

Return showing the number of Agricultural Holdings in each Poor Law Union scheduled under the Relief of Distress (Ireland) Act, 1880, valued at under £4 ; £4 and not exceeding £10 ; £10 and not exceeding £15 ; £15 and not exceeding £20 ; £20 and not exceeding £50 (*The Lord Ventry*)

Ireland—Landlord and Tenant—Ejectments

Moved, "That there be laid before the House, Return in tabular form for each county, of the number of civil bill ejectments, distinguishing ejectments on the title from those for non-payment of rent, tried and determined in each county in Ireland for each of the three years ending 30th June 1880, exclusive of ejectments for premises situate in counties of cities, boroughs, and towns, under the Act 9th Geo. IV. chap. 82, or the Towns Improvement Act, 1854, or any local Act ; also the number of persons re-admitted as tenants or care-takers :—Ejectments entered : on title ; for non-payment of rent : decrees granted : decrees executed : dismisses : cases otherwise disposed of : stay put on decrees : re-admitted as tenants or care-takers [and other Returns] (*The Earl of Annesley*) July 5, 1613 ; after short debate, Motion withdrawn

Explanation, Earl Spencer July 6, 1747

Ireland—Relief of Distress

Moved, That there be laid before this House, Return of the number of unskilled labourers employed during the week ending the 13th of June by landlords or sanitary authorities, or on works undertaken by baronial sessions, in the scheduled districts in Ireland under the Relief of Distress (Ireland) Act 1880 (*The Earl of Leitrim*) June 21, 410 ; after short debate, Motion withdrawn

Ireland—Outrages

Moved for, "Return of all robberies and attempted robberies of arms which have been reported by the Royal Irish Constabulary between the 1st of January 1879 and the 31st of March 1880, giving particulars of crime, arrests, and results of proceedings in

[cont.]

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Ireland—Outrages—cont.

the following form:—Number: Date of Offence: Names of Persons whose Arms were taken or attempted to be taken: Offence:—Description; Short Details: Names of Persons made amenable; Result of Proceedings" (*The Earl of Limerick*) June 22, 529; after short debate, Motion agreed to

Irish Church Act (1869) Amendment Bill
The Minor Incumbents, Question, Mr. Plunket; Answer, Mr. W. E. Forster June 22, 545

Isle of Man (Loans) Bill

(*Lord Frederick Cavendish, Mr. John Holmes*)

c. Ordered; read 1^o June 22 [Bill 241]

Read 2^o June 24

Committee*; Report June 25

Read 3^o June 28

l. Read 1^o (*Marquess of Lansdowne*) June 29

Read 2^o July 6

(No. 107)

Committee*; Report July 8

JACKSON, Sir H. M., Coventry

Employers' Liability, Comm. 1407, 1414, 1415, 1416

Middlesex Land Registry, 2R. Amendt. 681

Mr. Bradlaugh, Res. 472

Parliamentary Affirmation, Res. 1297

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JAMES, Mr. W. H., Gateshead

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JENKINS, Mr. D. J., Penryn, &c.

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JOHNSON, Mr. W. M. (Solicitor General for Ireland), Mallow

Compensation for Disturbance (Ireland), 2R. 886

Wild Birds Protection Law Amendment, Comm. cl. 2, Amendt. 1992

JOHNSTONE, Sir H., Scarborough

Contagious Diseases Act—The Select Committee, 189, 1259

Fixity of Tenure (Ireland), 2R. 1205

Licensing Laws Amendment, 2R. 159

Local Inquiries (Ireland), 2R. 672

Judicial Factors (Scotland) Bill

(*Mr. Ramsay, Mr. Baxter, Lord Elcho, Dr. Cameron*)

c. Considered* June 16

[Bill 162]

Read 3^o June 23

[cont.]

Judicial Factors (Scotland) Bill—cont.

l. Read 1^o* (*The Lord Watson*) June 24

Read 2^o* July 5

(No. 98)

Committee*; Report July 6

Read 3^o* July 8

Jurors' Remuneration Bill

(*Mr. H. B. Sheridan, Sir Henry Jackson, Mr.*

Burt, Mr. O'Connor Power, Mr. Passmore

Edwards, Mr. Joseph Cowen)

c. Ordered; read 1^o* June 16

[Bill 223]

KENSINGTON, Right Hon. Lord (Comptroller of the Household), Haverfordwest

Endowed Schools Acts, 1869, 1873, and 1874

—Sir Andrew Judd's School at Tonbridge,

1639;—Skinners' Company's Charities at

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Compensation for Disturbance (Ireland), 2R. 1695

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Sale of Intoxicating Liquors on Sunday (Wales), 2R. 1176

KNOWLES, Mr. T., Wigan

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LAING, Mr. S., Orkney, &c.

Customs and Inland Revenue, 2R. 774

Land Drainage Provisional Order (Frodsham, &c.) Bill

(*Mr. Arthur*

Peel, Secretary Sir William Harcourt)

c. Read 2^o* and committed June 15 [Bill 207]

Report* July 6

Read 3^o* July 7

l. Read 1^o* (*Viscount Enfield*) July 8 (No. 125)

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(*Sir Harcourt Johnstone, Mr. Birley*)

c. 2R., after short debate, Debate adjourned
June 16, 159 [Bill 183]

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(*The Earl Cairns*)

l. Read 3^a * June 15 (No. 61)

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(*Mr. Errington, Mr. Blennerhassett*)

c. Committee *—R.P. June 17 [Bill 149]
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**Local Government Areas (Commission)
Bill** (*Mr. Pell, Lord Edmond Fitzmaurice,*
Mr. Yorke, Mr. Roundell)

c. Bill withdrawn * July 7 [Bill 157]

**Local Government (Gas) Provisional Order
Bill** (*Mr. Hibbert, Mr. Dodson*)

c. Report * June 15 [Bill 123]
Read 3^a * June 16
l. Read 1^a * (*Viscount Enfield*) June 17 (No. 87)
Read 2^a * June 25
Committee*; Report June 28
Read 3^a * June 29

**Local Government (Highways) Provi-
sional Order (Salop) Bill**

(*Mr. Hibbert, Mr. Dodson*)

c. Read 3^a * June 17 [Bill 124]
l. Read 1^a * (*Viscount Enfield*) June 18 (No. 88)
Read 2^a * June 25
Committee*; Report June 28
Read 3^a * June 29

**Local Government (Ireland) Provisional
Orders (Artizans and Labourers
Dwellings) (Dublin) and Waterworks
(Armagh) Bill** (*The Lord President*)

l. Presented; read 1^a *, and referred to the Exa-
miners July 1 (No. 114)

**Local Government (Ireland) Provisional
Orders (Ballinasloe, &c.) Bill [H.L.]**

c. Read 3^a * June 21 [Bill 220]
Report * July 2
Read 3^a * July 3

**Local Government (Ireland) Provisional
Orders (Banbridge, &c.) Bill [H.L.]**

c. Report * June 29 [Bill 201]
Read 3^a * July 6

**Local Government (Ireland) Provisional
Orders (Dublin, &c.) Bill [H.L.]**

(*The Lord President*)

l. Committee*; Report June 24 (No. 80)
Read 3^a * June 25
c. Read 1^a * June 28
Read 2^a * July 3

**Local Government Provisional Orders
(Aberavon, &c.) Bill**

(*Mr. Hibbert, Mr. Dodson*)

c. Report * June 28 [Bill 125]
Report * July 2
Read 3^a * July 3
l. Read 1^a * (*Viscount Enfield*) July 5 (No. 120)

**Local Government Provisional Orders
(Abergavenny, &c.) Bill**

(*Mr. Hibbert, Mr. Dodson*)

c. Report * June 25 [Bill 127]
Read 3^a * June 28
l. Read 1^a * (*Viscount Enfield*) June 29 (No. 168)
Read 2^a * July 6
Committee*; Report July 8

**Local Government Provisional Orders
(Abingdon, &c.) Bill**

(*Mr. Hibbert, Mr. Dodson*)

c. Considered * June 17 [Bill 129]
Read 3^a * June 19
l. Read 1^a * (*Viscount Enfield*) June 21 (No. 95)
Read 2^a * June 28
Committee*; Report June 29
Read 3^a * July 1

**Local Government Provisional Orders
(Alnwick Union, &c.) Bill**

(*Mr. Hibbert, Mr. Dodson*)

- c. Report * June 25 [Bill 120]
Read 3^o * June 28
l. Read 1^o * (*Viscount Enfield*) June 29 (No. 109)
Read 2^o * July 6

**Local Government Provisional Orders
(Amersham Union, &c.) Bill**

(*Mr. Hibbert, Mr. Dodson*)

- c. Report * June 25 [Bill 126]
Read 3^o * June 28
l. Read 1^o * (*Viscount Enfield*) June 29 (No. 110)
Read 2^o * July 6
Committee *; Report July 8

**Local Government Provisional Orders
(Ashford, &c.) Bill**

(*Mr. Hibbert, Mr. Dodson*)

- c. Report * June 29 [Bill 122]
Considered * June 30
Read 3^o * July 1
l. Read 1^o * (*Viscount Enfield*) July 2 (No. 115)

**Local Government Provisional Orders
(Bethesda, &c.) Bill**

(*Mr. Hibbert, Mr. Dodson*)

- c. Report * June 29 [Bill 128]
Considered * June 30
Read 3^o * July 1
l. Read 1^o * (*Viscount Enfield*) July 2 (No. 116)

**Local Government Provisional Orders
(Eastbourne, &c.) Bill**

(*Mr. Hibbert, Mr. Dodson*)

- c. Report * June 28 [Bill 189]
Report * July 2
Considered * July 3
Read 3^o * July 5
l. Read 1^o * (*Viscount Enfield*) July 6 (No. 121)

**Local Government Provisional Orders
(Fleetwood, &c.) Bill**

(*Mr. Hibbert, Mr. Chamberlain*)

- c. Committee discharged * June 17 [Bill 199]
Report * July 2
Report * July 6
Considered * July 7

**Local Government Provisional Orders
(Poor Law) Bill**

(*Mr. Hibbert, Mr. Dodson*)

- c. Report * June 22 [Bill 121]
Considered * June 23
Read 3^o * June 24
l. Read 1^o * (*Viscount Enfield*) June 25 (No. 102)
Read 2^o * July 5
Committee *; Report July 6
Read 3^o * July 8

**Local Government Provisional Orders
(Poor Law) (No. 2) Bill**

(*Mr. Hibbert, Mr. Dodson*)

- c. Ordered; read 1^o * June 22 [Bill 248]
Read 3^o * June 29

Local Inquiries (Ireland) Bill

(*Mr. Fay, Sir Harcourt Johnstone, Mr. Joseph Cowen, Dr. Cameron, Sir Joseph M'Kenney*)

- c. Moved, "That the Bill be now read 3^o"
June 23, 660; after short debate, Motion made, and Previous Question proposed, "That that Question be now put" (*Mr. William Edward Forster*); after further short debate, Motion withdrawn; original Motion withdrawn; Bill withdrawn [Bill 133]

**LONDON, Bishop of
Burials, Report, cl. 6, 287**

**LOPES, Sir M., Devonshire, S.
Navy Estimates—Scientific Branch, 978**

**Lower Thames Valley Main Sewage
Board
Question, Mr. Cubitt; Answer, Mr. Dodson
June 15, 62**

**LOTHIAN, Marquess of
Earldom of Mar, Res. 1227**

**LUBBOCK, Sir J., London University
Savings Banks, 2R. 387
Wild Birds Protection Law Amendment, Comm.
523**

**LUSK, Sir A., Finsbury
Navy Estimates—Dockyards and Naval Yards
at Home and Abroad, 1056
Medicine, Medical Stores, &c. Amendt.
1075, 1076
Scientific Branch, 1025, 1029
Savings Banks, 2R. 892, 893
Supply, Comm. 921**

**LYONS, Dr. R. D., Dublin
Navy Estimates—Dockyards and Naval Yards
at Home and Abroad, 1035
Relief of Distress (Ireland), 2R. 809
Relief of Distress (Ireland) Act (1860) Amend-
ment, Comm. cl. 2, 1463**

**MACARTNEY, Mr. J. W. E., Tyrone
Army—Auxiliary Forces—Mid-Ulster Artil-
lery Regiment of Militia—Dungannon Work-
house, 839
Athlone Election Petition, 186, 187
Mr. Bradlaugh, 837
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**MACDONALD, Mr. A., Stafford
Cleveland Iron Works, Middlesborough, 1804
Employers' Liability, Comm. Amendt. 1399,
1417, 1754, 1756
Employers' Liability—Government Dockyards,
295
Merchant Seamen—The Cattleman, Creenley,
962
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Colliery Explosion, 1118**

MACDONALD, Mr. A.—*cont.*

Parliamentary Affirmation—Mr. Bradlaugh—
Notice of Resolution, 973
Parliamentary Oath (Mr. Bradlaugh), 644, 654

MAC IVER, Mr. D., *Birkenhead*

Customs and Inland Revenue, 2R. Motion for
Adjournment, 786
Mercantile Marine—French Bounty on Ship-
ping, 547
Parliamentary Representation—Borough of
Northampton, 715
Spain—Commercial Relations, 74
Ways and Means—Wine Duties, 1894

MACLIVER, Mr. P. S., *Plymouth*

British Sugar Refiners—French Duties, 66
Navy—School of Engineers at Keyham, 540

MCARTHUR, Mr. Alderman W., *Lambeth*

Africa, South—The Chief Moirosi, 1120

MCCARTHY, Mr. Justin, *Longford*

Africa, Central—Alleged Outrages by Mis-
sionaries, Motion for an Address, 1442
India—Behar, 1626
National Schools (Ireland)—Result Fees, 1902
Relief of Distress (Ireland), 2R. 808
Relief of Distress (Ireland) Act (1880) Amend-
ment, Comm. Amendt. 320 ; *cl.* 2, 1487
Sea Fisheries (Ireland), 2R. 1858

M'COAN, Mr. J. O., *Wicklow*

Fishery Piers and Harbours (Ireland)—Ark-
low Harbour, 1247
Parliamentary Affirmation, Res. 1318
Parliamentary Elections—Wicklow Election
—The Ballot, 1626
Relief of Distress (Ireland) Act (1880) Amend-
ment, Comm. *cl.* 2, 1453, 1468

MCINTYRE, Mr. Aeneas J., *Worcester*

Employers' Liability, Comm. 1782

McKENNA, Sir J. N., *Youghal*

Fixity of Tenure (Ireland), 2R. 1213
Relief of Distress (Ireland) Act (1880) Amend-
ment, Comm. *cl.* 2, 1495
Sea Fisheries (Ireland), 2R. 1858
Training Schools (Ireland), 1244

McLAGAN, Mr. P., *Linlithgowshire*

Agricultural Holdings (Scotland) (Notice of
Removal), 2R. 142

McLAREN, Mr. O. B. B., *Stafford*

Mr. Bradlaugh, Res. 463
Relief of Distress (Ireland) Act (1880) Amend-
ment, Comm. *cl.* 2, 1495

McLAREN, Mr. D., *Edinburgh*

Heriot's Hospital, Edinburgh, 191
Local Inquiries (Ireland), 2R. 679
Relief of Distress (Ireland) Act (1880) Amend-
ment, Comm. *cl.* 2, 1482

Madagascar—Treaty of 1865

Question, Mr. T. Fry; Answer, Sir Charles
W. Dilke July 1, 1248

MAGNIAC, Mr. C., *Bedford*

Highways (Horse Rate), 2R. Motion for Ad-
journment, 937
Navy Estimates—Scientific Branch, 979, 999
Savings Banks, 2R. 839
Supply, Comm. 921
Civil Services and Revenue Departments, 929

Maintenance of Main Roads

Moved, "That, in the opinion of this House, it
is not just that the cost of maintenance of
Main Roads should be wholly and entirely
borne by the Local Rates" (Mr. Richard
Paget) July 6, 1814 [House counted out]
Question, Sir Baldwyn Leighton; Answer,
Mr. Dodson July 8, 1916

MAKINS, Colonel W. T., *Essex, S.*

Compensation for Disturbance (Ireland), 548

MANNERS, Right Hon. Lord J. J. R.,
Leicestershire, N.

Sea Fisheries (Ireland), 2R. 1847
Treaty of Berlin—Execution of the Articles,
536

MANSFIELD, Earl of

Earldom of Mar, Res. 1226

MAPPIN, Mr. F. T., *East Retford*

Town Councils (Aldermen), 2R. 130
Welbeck, Alleged Poisoning at, 1444

Mar, Earldom of

The Resolution of June 14, Question, The
Marquess of Huntly; Answer, The Lord
Chancellor; Observations, The Earl of Gal-
loway June 21, 397

Notice of Motion, The Earl of Galloway
June 22, 529

Moved to resolve, "That, in accordance with
the Resolution agreed to by this House on
the 14th June last 'That it is incumbent
upon this House to rescind their Order of
26th February 1875, which ran as follows,
viz.: "That at the future meetings of the
Peers of Scotland assembled under any
Royal Proclamation for the election of a
Peer or Peers to represent the Peerage of
Scotland in Parliament, the Lord Clerk
Register, or the Clerks of Session officiating
thereat in his name, do call the title of Earl
of Mar according to its place on the Roll of
Peers of Scotland called at such election,
and do receive and count the vote of the
Earl of Mar claiming to vote in right of the
said earldom, and do permit him to take
part in the proceedings of such election,"'
the said Order be rescinded, and that intima-
tion to that effect be made to the Lord Clerk
Register of Scotland" (*The Earl of Gallo-
way*) July 1, 1215

Amendt. to leave out after "That," and insert
"farther consideration has led this House to
consider that it would be inexpedient to re-

[*cont.*

Mar, Earldom of—cont.

rescind the Order of the 26th February 1875, which was made after the House had resolved and adjudged that Walter Henry Earl of Kellie Viscount Fenton Baron Erskine and Baron Dirlston in the Peerage of Scotland had made out his claim to the earldom of Mar in the Peerage of Scotland created in 1565, as consequential to such resolution and judgment, and that to rescind an Order so made in relation to a right to a Peerage adjudged after long investigation, and which Order has been acted upon at several elections of Scotch Peers, without any further inquiry and unsupported by any new evidence, would be contrary to the practice of this House and establish an objectionable and dangerous precedent" (*The Earl of Redesdale*); after debate, on Question, "That the words, &c.?" Cont. 52, Not-Cont. 80; M. 28; resolved in the negative Div. List, Cont. and Not-Cont. 1238

Marriage with a Deceased Wife's Sister Bill (*Sir Thomas Chambers, Mr. Collins, Dr. Cameron, Mr. Alderman Cotton, Sir Harcourt Johnstone, Mr. Morley, Mr. Trevelyan, Mr. Stuart-Wortley*)

c. 2R. deferred, after short debate June 21, 522
Bill withdrawn * June 28 [Bill 155]

Marriage with a Deceased Wife's Sister Bill [H.L.] (No. 85) (*The Lord Houghton*)

l. Moved, "That the Bill be now read 2^a" June 25, 810

Amendt. to leave out ("now,") and add ("this day three months") (*The Earl Beauchamp*); after debate, on Question, that ("now,") &c.? Cont. 90, Not-Cont. 101; M. 11; resolved in the negative

Div. List, Cont. and Not-Cont. 830

Marriage with a Deceased Wife's Sister (*Natal*)

Question, Observations, Lord Brabourne, Earl Cadogan; Reply, The Earl of Kimberley June 21, 407

MARRIOTT, Mr. W. T., Brighton
Parliamentary Affirmation, Res. 1285

MARTIN, Mr. P., Kilkenny Co.

Commissioners of National Education (Ireland)
—Galway Model Schools, 838, 839
Fixity of Tenure (Ireland), 2R. 1195
Local Inquiries (Ireland), 2R. 668
National Schools, Ireland—Kilkenny County, 199
Relief of Distress (Ireland), 2R. 1353
Relief of Distress (Ireland) Act (1880) Amendment, Comm. cl. 2, 1461; add. cl. 1581
Supply—Civil Services and Revenue Departments, 928

MARUM, Mr. E. P. M., Kill
Compensation for Disturbance
1672, 1678

MASON, Mr. Hugh, Ashton-under-Lyne
Intoxicating Liquors (Licences), Res. 356

MAXWELL, Sir H. E., Wigton
Sasine Office, Edinburgh, 423

Medical Charities (Ireland) Bill

(*Mr. Meldon, Mr. Maurice Brooks, Mr. Errington*)

c. Bill withdrawn * June 28 [Bill 167]

MELDON, Mr. C. H., Kildare

Army Medical Officers—Exchanges, 195
Compensation for Disturbance (Ireland), Comm. 1956
Relief of Distress (Ireland), 2R. 804

MELLOR, Mr. J. W., Grantham

Mr. Bradlaugh, Res. 594
Turkey—The Danube and Black Sea Railway Company, 177

Mercantile Marine

French "*Projet de loi sur la Marine Marchande*"
—French Bounty on Shipping, Question, Dr. Cameron; Answer, Sir Charles W. Dilke June 22, 539; Question Mr. Mac Iver; Answer, Sir Charles W. Dilke, 547; Question, Dr. Cameron; Answer, Sir Charles W. Dilke July 1, 1253

Wrecks and Casualties — Official Inquiries, Question, Mr. Cavendish Bentinck; Answer, Mr. Chamberlain June 24, 712

Merchant Seamen (Payment of Wages, &c.) Bill (*Mr. Ashley, Mr. Chamberlain*)

c. Order for Committee read June 24, 789

Ordered, That it be an Instruction to the Committee that they have power to consider Clauses with reference to the conditions of service of seamen and the licensing of their lodging houses" (*Mr. Evelyn Ashley*)

Moved, "That Mr. Speaker do now leave the Chair;" Question put, and agreed to; Committee—R.P. [Bill 119]

Merchant Seamen—The Cattleman, Crossley

Question, Mr. Macdonald; Answer, Mr. Chamberlain June 28, 962

Merchant Shipping Act (1854) Amendment Bill (*Mr. Gourley, Mr. Charles Wilson, Mr. Jenkins, Mr. Joseph Cowen*)

c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1^o June 16 [Bill 224]

Merchant Shipping (Grain Cargoes) Bill

(*Mr. Anderson, Mr. Gord, Mr. Joseph Cowen, Mr. Charles Wilson, Mr. Mac Iver, Mr. Gourley*)

1st Comm. Captain Price added June 20

Merchant Shipping—The "Carradale"

Question, Mr. Middleton ; Answer, Mr. Shaw
Lefevre June 17, 195

Meteorological Department—Weather Forecasts

Questions, Mr. A. M. Sullivan ; Answers,
Lord Frederick Cavendish June 24, 707 ;
June 29, 1119

METGE, Mr. R. H., Meath

Fixity of Tenure (Ireland), 2R. 1209
National School Teachers (Ireland), 182
Relief of Distress (Ireland), 2R. 1360
Relief of Distress (Ireland) Act (1880) Amend-
ment, Comm. cl. 3, 1531

METROPOLIS

MISCELLANEOUS QUESTIONS

New Streets, Question, Mr. Gregory ; Answer,
Sir James M'Garel Hogg June 21, 419
The Parks—Free Seats, Question, Lord Oran-
more and Browne ; Answer, Lord Sudeley
June 17, 175 ;—*Hyde Park*, Question, Mr.
Hopwood ; Answer, Mr. Adam June 21, 428

**Metropolis—The National Gallery—Ex-
tension of Hours of Admission**

Moved for, "Copies of the Resolutions passed
by the Trustees of the National Gallery, with
their explanatory remarks, on the question
of keeping the Gallery open throughout the
year and the admission of the public on
students days" (*The Viscount Hardinge*)
June 18, 284 ; Motion agreed to
Question, Mr. Coope ; Answer, Mr. Adam
July 1, 1256

**Metropolitan and Metropolitan District
Railways (City Lines and Extensions)
Bill (by Order)**

c. Moved, "That the Bill be now read 2^o" (*Sir
Edward Watkin*) June 15, 43
Amendt. to leave out "now," and add "upon
this day three months" (*Mr. Ritchie*) ; Que-
tion proposed, "That 'now,' &c. ;" after
short debate, Question put ; A. 174, N. 100 ;
M. 74 (D. L. 23)
Main Question put, and agreed to ; Bill read 2^o
Moved, "That it be an Instruction to the Com-
mittee on the Bill to consider and report on
the course taken by the Metropolitan and
Metropolitan District Railway Companies,
the Promoters of the Bill, in carrying into
effect the powers of 'The Metropolitan and
Metropolitan District Railway Act, 1879,'
and 'The Metropolitan Inner Circle Com-
pletion Act, 1874,' and also the expediency
of granting an extension of time for the
purchase of land for the line authorised by
the Act of 1874 above-mentioned" (*Captain
Aylmer*) ; after short debate, Question put,
and negatived

**Metropolitan Commons Supplemental
Bill**

c. Read 3^o June 18 [Bill 112]
l. Read 1^o (*Viscount Enfield*) June 21 (No. 96)
Read 2^o June 28
Committee^o ; Report June 29
Read 3^o July 1

**Middlesex Land Registry Bill [Bill 142]
(Mr. Hopwood, Mr. Gregory, Sir Thomas
Chambers)**

c. Moved, "That the Bill be now read 2^o"
June 28, 680
Amendt. to leave out "now," and add "upon
this day three months" (*Sir Henry Jackson*) ;
Question proposed, "That 'now,' &c. ;"
after short debate, Debate adjourned

MIDDLETON, Mr. R. T., Glasgow
Merchant Shipping—The "Carradale," 195

**Mines Regulation Act, 1872—The Black
Lake Colliery Explosion**
Question, Mr. Macdonald ; Answer, Sir William
Harcourt June 29, 1118

MOLLOY, Mr. B. O., King's Co.
Irish Land Act—Small Owners, 180
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to Occupying and other Tenants, 196

MONK, Mr. C. J., Gloucester City
Gloucester Election, 299 ;—Judges' Report, 725,
726 ; Motion for a Select Committee, 942
Imputations on a Member of this House—
Gloucester Election Petition (Judges' Re-
port), 432, 433

MOORE, Mr. A. J., Clonmel
Mr. Bradlaugh, Res. 598
Parliamentary Affirmation, Res. 1340
Parliamentary Oath (Mr. Bradlaugh), 659
Poor Law (Ireland)—Belfast Workhouse, 955
Railways (Ireland)—Limerick Junction, 1624
Relief of Distress (Ireland) Act (1880) Amend-
ment, Comm. cl. 4, 1543

**MORGAN, Right Hon. G. Osborne, Den-
bighshire**
Middlesex Land Registry, 2R. 680

MORLEY, Earl of
Army Education—Literary and Physical Com-
petitions, Report of the Joint Committee,
1607

MOUNT EDGUMBE, Earl of
Burials, Comm. cl. 1, Amendt. 5 ; cl. 6, Amendt.
34 ; Report, cl. 6, 287

**MOWBRAY, Right Hon. Sir J. R., Oxford
University**
M. Challemeil-Lacour, the French Ambassador,
197
Parliamentary Oath (Mr. Bradlaugh), 641

MULHOLLAND, Mr. J., Downpatrick
Customs and Inland Revenue, 2R. 777

MUNDELLA, Right Hon. A. J. (Vice President of the Committee of Council on Education), Sheffield

Cattle—Importation of Foreign Cattle, 715
Education Department—Teachers' Certificates, 1917

Education—New Code of Regulations, 1880, 956

Education Code, 1879-80—Article 29—Day and Evening Schools, 963

Endowed Schools—Dulwich College—The New Scheme, 200

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Science and Art—Royal School of Mines, 1918

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Municipal Corporations—Legislation

Question, Mr. Dodds; Answer, Sir William Harcourt June 15, 68

Municipality of London Bill

(Mr. Firth, Mr. Thorold Rogers, Mr. Potter, Mr. James, Mr. Brand)

c. Ordered; read 1^o June 17 [Bill 228]

MUNTZ, Mr. P. H., Birmingham

Compensation for Disturbance (Ireland)—Payment of Tithe Rent-Charge, &c. 837

Town Councils (Aldermen), 2R. 128

NAVY

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Death of Commander Bruce of the Coast Guard, Question, Captain Price; Answer, Mr. Shaw Lefevre June 21, 439

Flogging in the Navy, Questions, Captain Price; Answers, Mr. Shaw Lefevre June 17, 187; June 21, 438

H.M.S. "Atalanta" and "Iris," Question, Mr. Bentinck; Answer, Mr. Shaw Lefevre June 15, 72

H.M.S. "Atalanta," Question, Mr. Carbutt; Answer, Mr. Shaw Lefevre June 17, 179; Question, Mr. Anderson; Answer, Mr. Shaw Lefevre June 17, 194; Questions, Mr. Norwood; Answers, Mr. Shaw Lefevre June 18, 294; June 22, 544

H.M.S. "Thunderer"—Report of the Heavy Gun Committee, Question, Captain Price; Answer, Mr. Childers July 5, 1635

Naval Artificers, Question, Mr. Gorst; Answer, Mr. Shaw Lefevre June 28, 957

Re-organisation of the Marine Corps—The Royal Marine Artillery, Question, Captain Price; Answer, Mr. Shaw Lefevre July 8, 1917

School of Engineers at Keyham, Question, Mr. Macliver; Answer, Mr. Shaw Lefevre June 22, 540

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The Breakwater at Alderney, Question, The Duke of Somerset; Answer, The Earl of Northbrook June 21, 404

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Type of Training Ships, Question, Observations, The Earl of Ravensworth; Reply, The Earl of Northbrook July 2, 1363

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Elementary Education—New Code, 1880—The Fourth Schedule, 1733

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NELSON, Mr. I., Mayo

Compensation for Disturbance (Ireland), 2R. 1681

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NEWDEGATE, Mr. C. N., Warwickshire, N.

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Question, Captain Aylmer; Answer, Mr. Grant Duff June 24, 716

NOEL, Right Hon. G. J., Rutland

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NOLAN, Major J. P., Galway Co.

Africa, Central—Alleged Outrages on Missionaries, Motion for an Address, 1442

Army—Quartermasters of Artillery, 1899

Births and Deaths Registration (Ireland), Comm. 1083

Customs and Inland Revenue, 2R. 773

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Navy Estimates—New Works, Buildings, &c. 1075

Relief of Distresses (Ireland), 2R. 1357

Relief of Distress (Ireland) Act (1880) Amendment, Comm. cl. 2, 1462; cl. 3, 1527, 1528, 1535, 1537, 1541; cl. 4, ib. 1542; cl. 5, 1552; cl. 9, Amendt. 1558

Spirits, Comm. 514, 517, 518

Supply—Civil Services and Revenue Departments, 928, 933

Report, 1080, 1081

Wild Birds Protection Law Amendment, Comm. 523; Preamble, 526

North British Railway (Tay Bridge) Bill (by Order)

c. Moved, "That the Bill be now read 2^o" July 8, 1879

to leave out "now," and add "upon three months." (Mr. Anderson):

[cont.]

[cont.]

North British Railway (Tay Bridge Bill) (by Order)—cont.

Question proposed, "That 'now,' &c.;" after short debate, Amendt. withdrawn

Main Question put, and agreed to; Bill read 2^o, and committed to a Select Committee of Seven Members, Four to be nominated by the House and Three by the Committee of Selection

Moved, "That the Reports of the Court of Inquiry held by the direction of the Board of Trade, and also the Report of Mr. Rothery, on the Tay Bridge disaster, together with the evidence taken by that Court, be referred to the Committee" (*Mr. Chamberlain*)

Amendt. at end of Question, to add "and that the Report of General Hutchinson to the Board of Trade, dated the 5th day of March 1878, relative to the opening of the Tay Bridge for passenger traffic, be also referred to the Committee" (*Sir Alexander Gordon*); Question proposed, "That those words be there inserted;" after short debate, Amendt. withdrawn; main Question put, and agreed to

NORTHBROOK, Earl of (First Lord of the Admiralty)

Navy—Breakwater at Alderney, 404
Type of Training Ships, 1884

NORTHCOTE, Right Hon. Sir S. H., Devon, N.

Compensation for Disturbance (Ireland), 2R. 1719; Comm. 1968

Customs and Inland Revenue, 2R. 744

Mr. Bradlaugh, Res. 513, 618, 719

Parliament—Public Business, 209, 714, 843, 1639, 1919

Parliamentary Affirmation—Mr. Bradlaugh, Notice of Res. 978; Notice of Amendt. 1118

Parliamentary Affirmation, Res. 1261; Amendt. 1275, 1280

Parliamentary Oath (Mr. Bradlaugh), 638, 644; Amendt. 648, 649

Relief of Distress (Ireland) Act (1880) Amendment, Comm. cl. 2, 1464, 1491

Russia and China—Rumoured Hostilities, 1260

Supply—Civil Services and Revenue Departments, 932

NORTHCOTE, Mr. H. S., Exeter

Parliamentary Affirmation, Res. 1294

Relief of Distress (Ireland) Act (1880) Amendment, Comm. cl. 2, 1477

Ways and Means—Inland Revenue—Income Tax, 1399

NORTON, Lord

Elementary Education, Motion for an Address, 264

Elementary Education—New Code, 1880—The Fourth Schedule, 1735, 1747

NORWOOD, Mr. C. M., Kingston-upon-Hull

Army—Auxiliary Forces—4th East York Artillery Volunteers, 429, 1909

NORWOOD, Mr. C. M.—cont.

East Indian Railways—Report of Departmental Committee, 1255

Merchant Seamen (Payment of Wages, &c.), Comm. 792, 798

Mr. Bradlaugh—Cost of Legal Proceedings, 1896

Navy—H.M.S. "Atalanta"—The Papers, 294, 544

O'BEIRNE, Major F., Leitrim

Army—Five Years' Rule—The Commander-in-Chief, 959

Poor Law (Ireland)—Workhouse Chaplains, 420

Post Office (Ireland)—Postal Communication in Leitrim, 536

Relief of Distress (Ireland), 2R. 803

Relief of Distress (Ireland) Act (1880) Amendment, Comm. 311; cl. 2, 1504

O'BRIEN, Sir P., King's Co.

Commissioners of National Education (Ireland)—Removal of National School Teachers, 966

Fixity of Tenure (Ireland), 2R. 1204

Mr. Bradlaugh, Res. 512

Navy Estimates—New Works, Buildings, &c. 1072

Scientific Branch, 1028

Relief of Distress (Ireland), 2R. 806

Relief of Distress (Ireland) Act (1880) Amendment, 2R. 258; Comm. add. cl. 1574

O'CONNOR, Mr. A., Queen's Co.

Mr. Bradlaugh, Res. 482

Navy Estimates—Dockyards and Naval Yards at Home and Abroad, 1080; Amendt. 1033, 1053, 1057, 1058

Half Pay, Reserved Pay, &c. to Officers of Navy and Marines, Motion for reporting Progress, 1079

Machinery and Ships Built by Contract, 1065

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Miscellaneous Services, 1077, 1078

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New Works, Buildings, &c. 1066; Amendt. 1069, 1072

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Victualling Yards at Home and Abroad, 1058

Parliamentary Oath (Mr. Bradlaugh), 643

Relief of Distress (Ireland), 2R. 1359

Relief of Distress (Ireland) Act (1880) Amendment, Comm. cl. 5, 1544, 1545; cl. 6, 1558

O'CONNOR, Mr. T. P., Galway

Compensation for Disturbance (Ireland), 2R. 1679; Comm. 1985

Criminal Law—The Convict Establishment at Galway, 1252

Land Act (Ireland), 1870—Compensation for Disturbance, 1636

Relief of Distress (Ireland) Act (1880) Amendment, Comm. Amendt. 316; cl. 2, 1485; cl. 5, 1548; add. cl. 1565

Sea Fisheries (Ireland), 2R. 1834

O'CONOR, Mr. D. M., *Sligo Co.*
Sligo Borough, Res. 1166

O'DONNELL, Mr. F. H., *Dungarvan*
Compensation for Disturbance (Ireland), Comm. 1976
Irish Constabulary—Religious Statistics, 184, 185;—The Oath, 185, 186
M. Challemei-Lacour, French Ambassador, 196, 197, 198
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Parliamentary Affirmation, Res. 1332
Relief of Distress (Ireland), 2R. 1356
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Sea Fisheries (Ireland), 2R. 1859

O'DONOGHUE, The, *Tralee*
Compensation for Disturbance (Ireland), 2R. 891; Comm. 1922, 1947, 1987
France—Expulsion of the Jesuits, 1398
Ireland, State of—Eviotions at Ballyduff—Constabulary, 1634
Landlord and Tenant (Ireland)—Eviction in Kerry, 966
Parliamentary Oath (Mr. Bradlaugh), 659
Relief of Distress (Ireland), 2R. 809
Relief of Distress (Ireland) Act (1880) Amendment, 2R. 211; Comm. cl. 2, 1523

O'KELLY, Mr. J., *Roscommon*
Peace Preservation (Ireland) Act—Fines for Outrages, 422

ONSLow, Earl of
Intemperance, Report of Select Committee, 1366

ONSLow, Mr. D. R., *Guildford*
Criminal Law—Poaching in Hawarden Park, 1631, 1632
India—Afghanistan—Mr. Lepel Griffin, 1627
Attock Bridge, 426
Marriage with a Deceased Wife's Sister, 2R. 522
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Wild Birds Protection Law Amendment, Comm. 525

ORANMORE AND BROWNE, Lord
Burials, Comm. cl. 11, 41
Ireland, State of—Service of Process—The Constabulary, 1105
Parks (Metropolis)—Free Seats, 175, 176
Relief of Distress (Ireland), Motion for a Return, 411
Reporting in the House of Lords, Report of Select Committee, Res. 1098

O'SHAUGHNESSY, Mr. R., *Limerick*
Army—Quartermasters of Artillery, 1899
Local Inquiries (Ireland), 2R. 675
Relief of Distress (Ireland), 2R. 1361
Relief of Distress (Ireland) Act (1880) Amendment, New Clause, &c. 202; 2R. 234; Comm. 320, 324; cl. 2, 1450, 1457. *add* cl. 1577

O'SHEA, Captain W., *Clare*
Army—Royal Warrant of 1878, 1914
Compensation for Disturbance (Ireland), 2R. 1146

O'SULLIVAN, Mr. W. H., *Limerick Co.*
Board of Works (Ireland)—Drainage Works at Bruff and Athlone, County Limerick, 838
Criminal Law—Sentences for Aggravated Assaults, 417
Customs and Inland Revenue, 2R. 767
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OTWAY, Mr. A. J., *Rochester*
Turkey and Greece—Military Forces, 716

OXFORD, Bishop of
Burials, Comm. cl. 6, 35; cl. 11, 41
Marriage with a Deceased Wife's Sister, 2R. 827

PAGET, Mr. R. H., *Somersetshire, Mid*
Agricultural Distress, Royal Commission on—Reports on Agriculture in the United States, 708
Evesham Borough Writ, 208
Main Roads, Maintenance of, Res. 1814
Merchant Seamen (Payment of Wages, &c.), Comm. 799
Spirits, Comm. 515, 516, 520
Wild Birds Protection Law Amendment, Comm. 525

PAGET, Mr. T. T., *Leicestershire, S.*
Cattle—Importation of Foreign Cattle, 715
Wild Birds Protection Law Amendment, Comm. 525

PALMER, Mr. J. H., *Lincoln*
Employers' Liability, Comm. 1755
Mr. Bradlaugh, Res. 471

PARKER, Mr. C. S., *Port*
Agricultural Holdings (Scotland) (Notice of Removal), 2R. 150
North British Railway (Tay Bridge), 2R. 1889
Wild Birds Protection Law Amendment, Comm. cl. 2, 1993, 1994

Parliament

LORDS—

Reporting in the House of Lords — Report of Select Committee

Moved, That for the week beginning 5th July the woolstack be placed at the north end of the House; that the Lord Chancellor do sit facing the Throne; that the crossbenches be placed where the woolstacks now are; and that all standing orders and Regulations inconsistent with this motion be suspended while it is in force (*The Earl Beauchamp*) June 29, 1906; after debate, Resolution withdrawn

Moved to resolve, That it is expedient that a seat for one or two reporters be temporarily and inexpensively constructed in front of the present gallery:

[cont.]

PARLIAMENT—LORDS—*cont.*

That it is expedient that a platform be temporarily and inexpensively erected on either side of the House below the Bar according to a plan prepared by Mr. G. M. Barry in 1868 for the better accommodation of the reporters now in the gallery (*The Earl Beauchamp*); after short debate, on Question? Resolutions agreed to

COMMONS—

Rules and Orders

Questions, Questions, Lord George Hamilton, Mr. A. M. Sullivan; Answers, Mr. Speaker, Mr. W. E. Forster July 8, 1910

Questions by Private Members, Question, Mr. J. Cowen; Answer, Mr. Speaker July 8, 1920

Business of the House—Public Business

Questions, Sir Stafford Northcote, Sir George Campbell, Sir Baldwin Leighton; Answers, Mr. Gladstone June 15, 76; Questions, Mr. Dillwyn, Sir Stafford Northcote; Answers, Mr. Fawcett, Mr. Gladstone June 17, 209; Questions, Mr. Chaplin, Mr. Ashmead-Bartlett; Answers, Mr. Gladstone June 22, 546; —*The Land Bills*, Question, Sir Stafford Northcote; Answer, Mr. Gladstone June 24, 714:—Questions, Sir Stafford Northcote, Mr. A. J. Balfour; Answers, Mr. Gladstone June 25, 843; Questions, Sir Stafford Northcote, Mr. J. G. Hubbard; Answers, Mr. Gladstone July 5, 1639; Questions, Sir Stafford Northcote, Mr. Beresford Hope; Answers, Mr. Gladstone July 8, 1919

Controverted Elections

Judges' Certificates and Reports respecting the following Cities, Boroughs, and Counties, read

Borough of Evesham, City of Gloucester June 15, 57

Borough of Gravesend, County of Wicklow June 16, 113

City of Canterbury June 17, 176

Borough of Stroud June 21, 415

Borough of Wallingford, Borough of Westbury June 22, 534

County of Louth, County of Bute, County of Dumbarton June 24, 704

Macclesfield Election June 25, 833

New Sarum Election, Plymouth Election June 28, 952

Tewkesbury Election June 29, 1117

Borough of Nottingham, County of Down, Bowdley July 1, 1236

Borough of Thirsk July 2, 1386

Town of Lichfield July 6, 1748

Bowdley Election Petition—The Law of Agency, Question, Mr. Lea; Answer, The Attorney General July 5, 1628

Borough of Evesham—The Shorthand Writers' Notes, Question, Mr. J. R. Yorke; Answer, The Attorney General June 28, 968; —*Prosecution of a Voter*, Question, Mr. J. R. Yorke; Answer, The Attorney General July 5, 1637

PARLIAMENT—COMMONS—*cont.*

Nottingham Election Petition—The Shorthand Writers' Notes, Question, Mr. A. Balfour; Answer, The Attorney General July 8, 1912

Plymouth Election Petition—The Law of Agency, Question, Mr. Puleston; Answer, Sir William Harcourt July 1, 1243

The Athlone Election Petition—Employment of Roman Catholic Clergymen as Personating Agents, Question, Mr. Macartney; Answer, Mr. W. E. Forster June 17, 186

Wicklow Election—Inspection of Ballot Papers, Question, Mr. M'Coan; Answer, The Attorney General for Ireland July 5, 1626

Election Petitions—Reports of Election Judges, Questions, Mr. Whitbread, Mr. J. R. Yorke; Answers, The Attorney General June 25, 842

Parliamentary Representation

Evesham Borough Writ

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Member to serve in this present Parliament for the Borough of Evesham, in the room of Daniel Rowlinson Ratcliffe, esquire, whose Election hath been determined to be void" (*Lord Kensington*) June 17, 203

Amendt. to leave out from "That," and add "the issue of the Writ for the Borough of Evesham be suspended until the Shorthand Writers' Notes of the Judge and the Evidence taken at the Trial of the Election Petition be laid upon the Table of the House" (*Mr. Reginald Yorke*) v.; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; Motion withdrawn

Moved, "That a New Writ be issued for the Election of a Member for the Borough of Evesham, in the room of Mr. Daniel Rowlinson Ratcliffe, whose election has been determined to be void" (*Lord Richard Grosvenor*) July 2, 1395; after short debate, Motion agreed to

Dungannon Writ

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown (Ireland) to make out a new Writ for the electing of a Member to serve in this present Parliament for the Borough of Dungannon, in the room of Thomas Alexander Dickson, esquire, whose Election hath been determined to be void" (*Lord Richard Grosvenor*) June 18, 389

Amendt. to leave out from "That," and add "the issue of the Writ for the Borough of Dungannon be postponed for one week" (*Sir George Campbell*) v.; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to; main Question put, and agreed to

Wallingford New Writ

Moved, "That a new Writ be issued for the Borough of Wallingford, for the election of a Member in lieu of Mr. Walter Wren, whose election has been declared to be void" (*Lord Richard Grosvenor*) June 24, 727; after short debate, Motion agreed to

Parliamentary Representation—cont.**Tewkesbury Writ**

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Member to serve in this present Parliament for the Borough of Tewkesbury, in the room of William Edwin Price, esquire, whose Election hath been determined to be void" (*Lord Richard Grosvenor*) July 2, 1887

Amendt. to leave out from "That," and add "the Writ be postponed till the Shorthand Writers' Notes of the Proceedings on the Election Petition are printed" (*Sir George Campbell*) v.; Question proposed, "That the words, &c.;" after short debate, Question put; A. 238, N. 53, M. 185 (D.L. 37); main Question put, and agreed to

Berwick-upon-Tweed Writ

Order [6th July] read, for the issue of a new Writ for Berwick-upon-Tweed July 8, 1918

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a supersedeas to the said Writ for the Election of a Member to serve in the present Parliament, for the town of Berwick-upon-Tweed" (*Lord Richard Grosvenor*); after short debate, Motion agreed to

Borough of Northampton, Question, Mr. Mac Iver; Answer Mr. Gladstone June 24, 715

Parliamentary Elections—Circular of the "Liberal Central Office," Question, Mr. Gorst; Answer, Sir William Harcourt June 15, 70; Question, Mr. Gorst; Answer, Mr. Gladstone June 17, 190

Travelling Expenses of Outvoters, Question, Baron Henry de Worms; Answer, The Attorney General June 21, 436

MISCELLANEOUS QUESTIONS

House of Commons—The Electric Light, Question, Mr. D. Grant; Answer, Mr. Adam July 1, 1240

The Houses of Parliament—Decoration of the Central Hall, Question, Mr. Schreiber; Answer, Mr. Adam July 1, 1246

The Palace of Westminster—The Clock in Palace Yard, Question, Mr. Forester; Answer, Mr. Adam July 8, 1912

Parliament—Gloucester Election Petition (Judges' Report)

Notice of Question, Mr. Monk June 18, 299

Imputations on a Member of this House, Question, Mr. Monk; Answer Lord Randolph Churchill; Questions, Lord Randolph Churchill, Mr. Monk; Answers, Mr. Speaker, Mr. Gladstone June 21, 432; Observations, Lord Randolph Churchill; Reply, Mr. Gladstone; short debate thereon June 24, 725

Moved, "That a Select Committee be appointed to inquire into the matter contained in the last paragraph of the Judges' Report on the Gloucester Election Petition, and the circumstances under which the abandonment of the Petition against the return of Mr. Monk took place" (*Lord Randolph Churchill*) June 25, 938; after short debate, Question put, and agreed to; Select Committee appointed

Committee nominated June 30; Committee, 948

Parliament—Parliamentary Elections Act, 1868—New Writs

Moved, "That where any Election has been declared void, under the Parliamentary Elections Act of 1868, and the Judges have reported that any person has been guilty of bribery and corrupt practices, no Motion for the issuing of a New Writ shall be made without two days' previous Notice being given in the Votes, such Notice to be appointed for consideration before the Orders of the Day and Notices of Motion" (*Lord Richard Grosvenor*) June 15, 77

Amendt. in line 4, to leave out "two," and insert "fourteen" (*Mr. J. R. Yorke*) v.; Question proposed, "That 'two,' &c.;" after short debate, Question put, and agreed to; main Question put, and agreed to

Parliament—Parliamentary Oath (Mr. Bradlaugh)

Report from the Select Committee, with Minutes of Evidence, brought up, and read June 16, 163

Moved, "That the Report lie upon the Table" (*Mr. Walpole*); Motion agreed to [No. 226]

Moved, "That Mr. Bradlaugh, Member for the Borough of Northampton, be admitted to make an Affirmation or Declaration, instead of the Oath required by Law" (*Mr. Labouchere*) June 21, 443

Amendt. to leave out from "That," and add "having regard to the Reports and Proceedings of two Select Committees appointed by this House, Mr. Bradlaugh be not permitted to take the Oath or make the Affirmation mentioned in the Statute 29 Vic. c. 19, and the 31 & 32 Vic. c. 72" (*Sir Hardinge Giffard*) v.; Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. Newdegate*); after further short debate, Question put, and agreed to

Debate resumed June 22, 550; after long debate, Question put; A. 230, N. 275; M. 45 Div. List, A. and N. 624

Words added; main Question, as amended, put Resolved, That, having regard to the Reports and proceedings of two Select Committees appointed by this House, Mr. Bradlaugh be not permitted to take the Oath or make the Affirmation mentioned in the Statute 29 Vic. c. 19, and the 31 and 32 Vic. c. 72

Mr. Bradlaugh, one of the Members for Northampton, having come to the Table, claiming to take the Oath required by Law, 679; long proceedings thereupon

And it was finally Ordered, That Mr. Bradlaugh, having disobeyed the Order, and resisted the authority of this House, be for his said offence taken into the custody of the Serjeant at Arms attending this House; and that Mr. Speaker do issue his Warrant accordingly

The Serjeant at Arms informed the House that, in obedience to the Order of the House of this day, and in conformity with Mr. Speaker's Warrant, he had taken Mr. Charles Bradlaugh into his custody June 23

Moved, "That this House, having committed Mr. Bradlaugh to the custody of the Serjeant

[cont.]

Parliament—Parliamentary Oath (Mr. Bradlaugh)—cont.

at Arms on account of his disobedience of the Orders of the House, and of his resistance to its authority, and having thereby supported its order and asserted its authority, Mr. Bradlaugh be discharged from the custody of the Serjeant at Arms" (*Sir Stafford Northcote*) June 24, 719

Notice, Questions, Mr. Labouchere, Lord Randolph Churchill, Mr. Newdegate, Mr. Beresford Hope, Mr. Courtney, Mr. Macartney; Answers, Mr. Gladstone, Mr. Speaker June 25, 834; Notice of Resolution, Mr. Gladstone; short debate thereon June 28, 972; Notice of Amendment to Motion, Sir Stafford Northcote June 29, 1118

Parliament—Parliamentary Affirmation

Parliamentary Oaths Act, 1866—Affirmation, Question, Mr. Percy Wyndham; Answer, Mr. Gladstone June 28, 965

Moved, "That the Orders of the Day be postponed until after the Motion relating to the Parliamentary Affirmation" (*Mr. Gladstone*) July 1, 1261; after short debate, Motion agreed to

Moved, "That every person returned as a Member of this House, who may claim to be a person for the time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, shall henceforth (notwithstanding so much of the Resolution adopted by this House on the 22nd day of June last as relates to Affirmation) be permitted, without question, to make and subscribe a solemn Affirmation in the form prescribed by 'The Parliamentary Oaths Act, 1866,' as altered by 'The Promissory Oaths Act, 1868,' subject to any liability by statute" (*Mr. Gladstone*), 1267

Amend. to leave out from "That," and add "this House cannot adopt a Resolution which virtually rescinds the Resolution passed by it on the 22nd day of June last (*Sir Stafford Northcote*) v.; Question proposed, "That the words, &c.;" after long debate, Question put; A. 308, N. 249; M. 54

Div. List, A. and N., 1342

Main Question proposed

Amend. to add "Provided always, That this Resolution shall apply to persons hereafter returned as Members of this House" (*Mr. A. M. Sullivan*); Question put, "That those words be there added;" A. 236, N. 274; M. 38 (D. L. 35)

Main Question put, and agreed to

Moved, "That the Resolution be a Standing Order of the House" (*Mr. Gladstone*); Question put, and agreed to

Mr. Bradlaugh—Costs of Legal Proceedings, Questions, Mr. Norwood, Mr. Oallan; Answer, Mr. Gladstone; Observation, Mr. Bradlaugh July 8, 1896

Parliament—Representation of Ireland

Notice of Motion. "That it is desirable that the West of Ireland should be no longer deprived of its due share of Parliamentary representation" (*Mr. Denis O'Connor*) June 29, 1166 [House counted out]

PARLIAMENT—HOUSE OF COMMONS

New Writs Issued

June 15—*For* Bandon Borough, v. Captain Percy Brodrick Bernard, Chiltern Hundreds

June 28—*For* Gravesend, v. Thomas Bevan, esquire, void Election

June 24—*For* Wallingford, v. Walter Wren, esquire, void Election

For Butehire, v. Thomas Russell, esquire, who, having held a Contract entered into for the Public Service at the time of his Election for the said Shire, was incapable of being elected for the same

June 30—*For* Plymouth, v. Sir Edward Bates, baronet, void Election

July 2—*For* Evesham, v. Daniel Rowlinson Ratcliffe, esquire, void Election

July 5—*For* Bewdley, v. Charles Harrison, esquire, void Election

July 6—*For* Berwick Borough, v. the Hon. Henry Strutt, now Baron Belper, called up to the House of Peers

New Members Sworn

June 30—Richard Lane Allman, esquire, *Bandon Bridge Borough*

July 1—Pandeli Ralli, esquire, *Wallingford*

July 2—Sir Sydney Waterlow, baronet, *Gravesend*

July 6—Charles Dalrymple, esquire, *Bute County*

July 8—James Dickson, esquire, *Dungannon*

Parliamentary Disqualification Bill

(*Sir Eardley Wilmot, Mr. Alderman Fowler, Mr. Hicks*)

a. Ordered; read 1^o July 7 [Bill 259]

Parliamentary Oaths and Affirmations Bill

(*Mr. Labouchere, Mr. Burt, Mr. Joseph Cowen, Mr. Dilhoun, Mr. Macdonald*)

a. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1^o June 28 [Bill 251]

PARNELL, Mr. O. S., Cork

Compensation for Disturbance (Ireland), 2R. 857, 891; Comm. 1935, 1940, 1980

Fixity of Tenure (Ireland), 2R. 1211

Ireland—Miscellaneous Questions

Distress, 841;—Famine Fever in Mayo, 442

National Schools—Assistant Teachers, 1241

Royal Irish Constabulary, 709, 710

State of Ireland—Landlord and Tenant—Execution Creditors, 1242

Navy Estimates—New Works, Buildings, &c. 1078

Parliamentary Affirmation, Res. 1304

Parliamentary Oath (Mr. Bradlaugh), 657, 659

Relief of Distress (Ireland), 2R. 800, 803, 809, 1348, 1349, 1356, 1363; Motion for Adjournment, 1364

Relief of Distress (Ireland) (No. 2), 969, 971

PARNELL, Mr. C. S.—cont.

Relief of Distress (Ireland) Act (1880) Amendment, New Clause, &c. 201; 2R. 217, 222, 241, 263; Comm. Motion for Adjournment, 299, 304, 316, 317, 322; *cl.* 2, Amendt. 1446, 1447, 1451, 1453, 1465, 1469, 1475, 1476, 1498, 1509, 1516, 1520, 1522, 1523; *cl.* 3, 1531, 1532, 1539; *cl.* 5, 1549; *cl.* 6, 1555; *add. cl.* Amendt. 1566, 1568, 1569, 1582, 1584, 1587, 1589; Postponed *cl.* 3 and 4, Motion for reporting Progress, 1593, 1594
Sea Fisheries (Ireland), 2R. 1855
Supply—Civil Services and Revenue Departments, 927
Comm. 923

PEASE, Mr. J. W., *Durham, S.*

British Burmah—Consumption of Opium, 1900
Closing of Public-Houses on Sunday, Res. 901; Amendt. 918
Employers' Liability, Comm. 1417

PEDDIE, Mr. J. DICK-, *Kilmarnock, &c.*
Navy Estimates—Scientific Branch, 992

PEEK, Sir H. W., *Surrey, Mid*

Burial Acts—Battersea Burial Board—Cemeteries, 1901

PEEL, Mr. A. W. (Under Secretary of State for the Home Department), *Warwick Bo.*

Agricultural Holdings (Scotland) (Notice of Removal), 2R. 145
Prisons Act, 1865—Plank Bed, 1751
Sale of Intoxicating Liquors on Sunday (Wales), 2R. 1177
Town Councils (Aldermen), 2R. 129
Welbeck, Alleged Poisoning at, 1444

PELL, Mr. A., *Leicestershire, S.*

Compensation for Disturbance (Ireland), Comm. 1921; Amendt. 1922, 1979

PERCY, Right Hon. Earl, *Northumberland, N.*

Army Circulars—Appendix to Clause 154—Advertisements, 535

PETERBOROUGH, Bishop of
Burials, 2R. 683, 689, 690

Pier and Harbour Orders Confirmation Bill (*Mr. Ashley, Mr. Chamberlain*)

c. Report * July 6 [Bill 175]
Considered * July 7

PLAYFAIR, Right Hon. Mr. Lyon
(Chairman of Committees of Ways and Means), *Edinburgh and Andrew's Universities*

Metropolitan and Metropolitan District ways (City Lines and Extensions), 2R. 1

PLAYFAIR, Right Hon. Mr. Lyon—cont.

Navy Estimates—Dockyards and Naval Yards at Home and Abroad, 1033, 1054, 1058
Medical Establishments at Home and Abroad, 1060
Naval Stores, Building and Repairing Fleet, &c. 1065
Scientific Branch, 992, 1001, 1002
Rathmines and Rathgar Township Water, 2R. 1116
Relief of Distress (Ireland) Act (1880) Amendment, Comm. *cl.* 1, 1445; *cl.* 2, 1447, 1448, 1460, 1465, 1509, 1512, 1513, 1516, 1523, 1525; Amendt. 1526; *cl.* 3, 1528, 1537, 1538; *cl.* 4, 1541; *cl.* 5, 1543; *add. cl.* 1584; Postponed *cl.* 3 and 4, 1594

PLUNKET, Right Hon. D. R., *Dublin University*

Compensation for Disturbance (Ireland), 2R. 877
Irish Church Act (1869) Amendment—The Minor Incumbents, 545

Poor Law

Catholic Instructors in Workhouses, Question, Mr. Byrne; Answer, Mr. Dodson June 25, 837
Insane Persons—The Portsmouth Union, Question, Sir H. Drummond Wolff; Answer, Mr. Childers June 28, 955

Post Office (Mail Contracts)—*The Orient and the Peninsular and Oriental Companies*

Question, Mr. Baxter; Answer, Mr. Fawcett June 15, 65

Post Office (Telegraph Department)—*Disclosure of Telegrams*

Question, Mr. Callan; Answer, Mr. Fawcett June 29, 1123

POWER, Mr. J. O'Connor, *Mayo*

Compensation for Disturbance (Ireland), Comm. 1942, 1943
Fixity of Tenure (Ireland), 2R. 1214
Ireland—Miscellaneous Questions
Distress—Famine Fever in Mayo, 442 :
—Relief Works, 1897
Fishery Piers, 293, 294
Landlord and Tenant, 76
Mr. Bradlaugh, Res. 722
Parliamentary Affirmation—Mr. Bradlaugh—Notice of Res. 973, 974
Relief of Distress (Ireland), 2R. 807, 1263
Relief of Distress (Ireland) (No. 2), 971
Relief of Distress (Ireland) Act (1880) Amendment, Comm. 304; *cl.* 2, 1481, 1516; *add. cl.* 1572

Mr. R., *Waterford*

Naval Stores, Appointment of a Commission (Ireland) Act (1880) Amendment, *cl.* 3, 1529, 1537, 1538, 1540

PRICE, Captain G. E., Devonport

Navy—Miscellaneous Questions

Commander Bruce, Death of, 439

Flogging in the Navy, 187, 438

H.M.S. "Thunderer," Report of the Heavy Gun Committee, 1635

Naval Reserves, 1634, 1901

Re-organization of the Marine Corps—Royal Marine Artillery, 1917

Navy Estimates—Dockyards and Naval Yards at Home and Abroad, 1035, 1057

Marine Divisions, 1061, 1062, 1063

New Works, Buildings, &c. 1070

Scientific Branch, 984, 997, 999, 1001, 1002, 1014

Prisons Acts

Magistrates' Sentences—Case of Catherine

Connolly, Question, Mr. Passmore Edwards ;

Answer, Sir William Harcourt June 29,

1120 ; Question, The Earl of Hardwicke ;

Answer, The Earl of Fife July 1, 1235 ;

—*Prisons Act, 1865—The Plank Bed,*

Question, Mr. P. A. Taylor ; Answer, Mr.

Arthur Peel July 6, 1751

Report of Commission on Penal Servitude Acts

—*Inspection of Convict Prisons,* Question,

Sir Henry Holland ; Answer, Mr. W. E.

Forster June 21, 418

Public Health—Condemned Meat

Question, Mr. Anderson ; Answer, Mr. Shaw

Lefevre June 17, 193

Public Health (Scotland) Provisional Order (Blantyre) Bill (Mr. Arthur

Peel, Secretary Sir William Harcourt)

c. Ordered ; read 1^o * June 18 [Bill 233]

Read 2^o * June 29

Public Health (Scotland) Provisional Order (Lanark) Bill (Mr. Arthur

Peel, Secretary Sir William Harcourt)

c. Ordered ; read 1^o * June 18 [Bill 234]

Read 2^o * June 28

PUGH, Mr. L. P., Cardiganshire

India—Administration of Justice, 1896

PULESTON, Mr. J. H., Devonport

Controverted Elections—Plymouth Election Petition, 1243

Navy Estimates—Marine Divisions, 1062

Scientific Branch, 998

Railways—Furness Railway Certificate, 1880

Moved to resolve, That the certificate of the Board of Trade, authorising the Furness Railway Company to construct a railway in the Township of Preston Quarter and parish of St. Bees in the county of Cumberland (a draft of which was laid before the House on the 25th of May last), ought not to be made (*The Marquess of Huntly*) July 6, 1729 ; after short debate, on Question ? resolved in the negative

Railways—Furness Railway Certificate, 1880—cont.

Moved, "That the draft Certificate of the Board of Trade now lying upon the Table, entitled 'The Furness Railway Certificate, 1880,' ought not to be made" (*Mr. Cavendish Bentinck*) July 6, 1749 ; after short debate, Motion withdrawn

RAMSAY, Lord, Liverpool

Navy Estimates—Scientific Branch, 1002, 1020, 1022

RAMSAY, Mr. J., Falkirk, &c.

Agricultural Holdings (Scotland) (Notice of Removal), 2R. 136

Relief of Distress (Ireland) Act (1880) Amendment, Comm. cl. 6, 1556

Rathmines and Rathgar Township Water Bill [Lords] (by Order)

c. Moved, "That the Bill be now read 2^o" June 29, 1109

Amendt. to leave out "now," and add "upon this day three months" (*Mr. M. Brooks*) ;

Question proposed, "That 'now,' &c. ;"

after short debate, Amendt. withdrawn

Main Question put, and agreed to ; Bill read 2^o

RAVENSWORTH, Earl of

Navy—Type of Training Ships, 1383

REDESDALE, Earl of (Chairman of Committees)

Burials, 3R. 698

Earldom of Mar, Res. Amendt. 1218

Reporting in the House of Lords, Report of Select Committee, Res. 1097, 1104, 1105

REED, Sir C., St. Ives

Elementary Education—Board Schools—Corporal Punishment, 1248

REED, Mr. E. J., Cardiff

Inland Revenue—Intoxicants, 967

Navy Estimates—Dockyards and Naval Yards at Home and Abroad, 1034

Scientific Branch, 994, 1012

Relief of Distress (Ireland) Bill

(*Mr. Parnell, Mr. O'Kelly*)

c. Ordered ; read 1^o * June 22 [Bill 244]

Moved, "That the Bill be now read 2^o"

June 24, 800 ; after short debate, Moved,

"That the Debate be now adjourned" (*Mr.*

Morgan Lloyd) ; after further short debate,

Question put, and agreed to ; Debate ad-

journd

Debate resumed July 1, 1347

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Dodds*) ; Ques-

tion proposed, "That 'now,' &c. ;" after short debate, Moved, "That the Debate be

now adjourned" (*Mr. Gladstone*) ; after fur-

ther short debate, Question put, and agreed

to ; Moved, "That the Debate be adjourned

till Saturday" (*Mr. Parnell*) ; after short

debate, Question put ; A. 22, N. 62 ; M. 40

(D. L. 36) ; Debate adjourned till Monday next

Bill withdrawn * July 5

[cont.]

Relief of Distress (Ireland) Act (1880) Amendment Bill

(*Mr. W. E. Forster, Lord Frederick Cavendish*)

c. *The New Clause and Schedule*, Question, Mr. O'Shaughnessy; Answer, Mr. W. E. Forster June 17, 201

Adjourned Debate on Question [11th June], "That the Bill be now read 2^o" resumed June 17, 210; Moved, "That the Debate be now adjourned" (*Mr. Chaplin*); after short debate, Motion withdrawn

Original Question again proposed; after long debate, original Question put, and agreed to; Bill read 2^o [Bill 205]

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" June 18, 299; Moved, "That the Debate be now adjourned" (*Mr. Parnell*); Motion withdrawn

After debate, Amendt. to leave out from "That," and add "the Bill be referred to a Select Committee" (*Mr. Justin McCarthy*) v.; Question proposed, "That the words, &c.;" after further short debate, Question put, and agreed to

Main Question, "That Mr. Speaker, &c.;" put, and agreed to; Committee—R.P.

Questions, Mr. Parnell, Mr. O'Connor Power; Answers, Mr. W. E. Forster June 28, 969 Committee—R.P. July 3, 1445

Representation of the People (Scotland) Act (1868) Amendment Bill

(*Mr. M'Lagan, Colonel Alexander, Mr. Robert Duff*)

c. Committee*; Report June 24 [Bill 208] Read 3^o* June 25

l. Read 1^o* (*Earl of Airlie*) June 28 (No. 108) Read 2^o July 6, 1732 Committee*; Report July 8

Revenue Offices (Scotland) Holidays Bill

(*Mr. James Stewart, Dr. Cameron, Mr. Richard Campbell*)

c. Ordered; read 1^o* July 5 [Bill 254]

RICHARD, Mr. H., *Morthyr Tydeil*

European Armaments, Motion for an Address, 80, 111, 1397

Parliamentary Affirmation, Res. 1810

Sale of Intoxicating Liquors on Sunday (Wales), 2R. 1171

RICHARDSON, Mr. J. N., *Armagh Co.*

Fixity of Tenure (Ireland), 2R. 1191

Relief of Distress (Ireland) Act (1880) Amendment, 2R. 233

RICHMOND AND GORDON, Duke of

Army Education—Literary and Physical Competitions, Report of the Joint Committee, 1613

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RICHMOND AND GORDON, Duke of—cont.

Elementary Education—New Code, 1880—The Fourth Schedule, 1743, 1744

Elementary Education, 2R. 1620

Endowed Schools Act—The Kirkham Grammar School, 1734

RITCHIE, Captain C. T., *Tower Hamlets*

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Metropolitan and Metropolitan District Railways (City Lines and Extensions), 2R. Amendt. 43, 47

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Rivers Conservancy Bill

Observations, The Earl of Sandwich July 8, 1865

ROBERTS, Mr. J., *Flint, &c.*

Sale of Intoxicating Liquors on Sunday (Wales), 2R. 1167

Town Councils (Aldermen), 2R. 127

RODWELL, Mr. B. B. H., *Cambridgeshire*

Mr. Bradlaugh, Res. 596

Parliament—Tewkesbury Writ, 1891

Rathmines and Rathgar Township Water, 2R. 1111

ROGERS, Mr. J. E. Thorold, *Southwark*

Church Rates (St. Saviour's, Southwark), 840

Criminal Law—Solomon Nathan, Case of, 713

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ROUNDELL, Mr. C. S., *Grantham*

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RUSSELL, Sir C., *Westminster*

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Compensation for Disturbance (Ireland), 2R. 869

Relief of Distress (Ireland) Act (1880) Amendment, Comm. cl. 2, 1500

Russia and British India

Resolution, Mr. Ashmead-Bartlett July 2, 1443 [House counted out]

Russia and China—Rumoured Hostilities

Question, Sir Stafford Northcote; Answer, Sir Charles W. Dilke July 1, 1260; Question, Mr. W. H. Smith; Answer, Mr. Gladstone July 8, 1895

Russia and the Porte—Mr. Gladstone's Speeches

Moved, "That there be laid before this House, Return of the numbers of killed and wounded in the late War between Russia and the Porte" (*The Lord Stratheden and Campbell*) July 8, 1866; after short debate, Motion withdrawn

RYLANDS, Mr. P., Burnley

Ballot Act—Section 24—Personation at Elections, 188

Evesham Borough Writ, 207

Navy Estimates—Dockyards and Naval Yards at Home and Abroad, 1042

Relief of Distress (Ireland Act (1880) Amendment, Comm. 317, 318; *cl.* 2, 1484

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ST. AUBYN, Sir J., Cornwall, W.

Sea Fisheries (Ireland), 2R. 1834

Sale of Intoxicating Liquors on Sunday

Bill (*Mr. Stevenson, Mr. Birley, Mr. James, Mr. Charles Wilson, Mr. William M^r Arthur*)

c. Bill withdrawn * June 21 [Bill 146]

Sale of Intoxicating Liquors on Sunday (Wales) Bill

(*Mr. Roberts, Mr. Richard, Mr. Samuel Holland, Mr. Hussey Vivian, Mr. Watkin Williams*)

c. Moved, "That the Bill be now read 2^o" June 30, 1167

After short debate, Amendt. to leave out "now," and add "upon this day three months" (*Mr. Warton*); Question proposed, "That 'now,' &c.;" after further short debate, Question put, and agreed to; main Question put, and agreed to; Bill read 2^o

[Bill 181]

SALISBURY, Marquess of

Burials, Comm. *cl.* 1, Amendt. 14; *cl.* 6, 33

Salmon and Freshwater Fishery Laws Amendment Bill

(*Sir Joseph Bailey, Mr. Dillwyn, Mr. Dodds, Mr. Stafford Howard*)

c. Committee *; Report June 24 [Bills 187-246]

SAMUELSON, Mr. B., Banbury

Agricultural Holdings (England) Act (1875) Amendment, 2R. 1863, 1864

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SAMUELSON, Mr. H. B., Frome

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Merchant Seamen (Payment of Wages, &c.), Comm. Amendt. 790, 795, 797, 799

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Rivers Conservancy, 1865

Savings Banks Bill [Bill 188] (*Mr. Gladstone, Mr. Fawcett, Lord Frederick Cavendish*)

c. Moved, "That the Bill be now read 2^o" June 18, 325

Amendt. to leave out from "That," and add "the extension of the limits of deposits in Savings Banks proposed in this Bill would result in so serious a discouragement of private enterprise that, in the opinion of this House, no such step should be taken without careful inquiry" (*Mr. W. Fowler*) *v.*; Question proposed, "That the words, &c.;" Moved, "That the Debate be now adjourned" (*Mr. Harcourt*); after short debate, Debate adjourned

Debate resumed June 25, 892; after short debate, Debate adjourned

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Houses of Parliament—Decoration of the Central Hall, 1246

Science and Art—The Royal School of Mines

Question, *Mr. Dillwyn*; Answer, *Mr. Mundella*
July 8, 1918

Science and Art—The National Gallery—Extension of Hours of Admission

Moved for, "Copies of the Resolutions passed by the Trustees of the National Gallery, with their explanatory remarks, on the Question of keeping the Gallery open throughout the year and the admission of the public on students days" (*The Viscount Hardinge*)
June 18, 284; Motion agreed to

Question, *Mr. Coope*; Answer, *Mr. Adam*
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SCOTT, Mr. M. D., Sussex, E.

Indian Railways—Portugal—Port of Goa, 1249

Licensing Laws Amendment, 2R. 161

Sale of Intoxicating Liquors on Sunday (Wales), 2P. 1177

Sea Fisheries (Ireland) Bill (*Mr. Collins, Colonel Colthurst, Mr. William Corbet, Mr. T. P. O'Connor, Mr. Blennerhassett*)

c. Moved, "That the Bill be now read 2^o"
July 7, 1819; after long debate, Question
put; A. 125, N. 172; M. 47 (D. L. 44)
[Bill 135]

SELWIN-IBBETSON, Sir H. J., Essex, W.
Metropolitan and Metropolitan District Rail-
ways (City Lines and Extensions), 2R. 49
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523; Preamble, 526

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l. Read 3^o * June 17 (No. 81)
c. Read 1^o * (*Sir Stafford Northcote*) June 18
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Cyprus—Harbour of Famagousta, 1380
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fication of the Frontier, 1877

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(*Lord Frederick Cavendish, Mr. Fawcett*)

c. Ordered * June 15
Read 1^o * June 16 [Bill 227]
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Iver; Answer, Sir Charles W. Dilke June 15,
74
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(*Dr. Cameron, Mr. David Jenkins, Mr. Errington*)

c. Ordered; read 1^o June 16 [Bill 225]

Read 2^o June 30

Committee^e; Report July 5

Read 3^o July 8

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Relief of Distress (Ireland) Act (1880) Amendment, Comm. 306; cl. 2, 1504; add. cl. 1584, 1589

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Considered in Committee June 25, 924—CIVIL SERVICES AND REVENUE DEPARTMENTS, VOTE ON ACCOUNT, £1,842,500—(Then the several Services are set forth)

Resolutions reported June 28, 1080; after short debate, Resolutions agreed to

Considered in Committee June 28, 975—NAVY ESTIMATES, Votes 1 to 11;—£671,367, Half Pay, Reserved, and Retired Pay to Officers of the Navy and Marines

Resolutions reported June 29

SYNAN, Mr. E. J., Limerick Co.

Fixity of Tenure (Ireland), 2R. 1205

Mr. Bradlaugh, Res. 607

Relief of Distress (Ireland) Act (1880) Amendment, Comm. cl. 2, 1450, 1465; Amendt. 1466, 1488; Amendt. 1524, 1525; cl. 3, 1534, 1537; add. cl. 1577, 1590, 1592

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Taxes Management Bill

(Lord Frederick Cavendish, Mr. John Holms)

c. Ordered; read 1^o June 22 [Bill 242]Read 2^o, after short debate June 28, 1081Committee^o; Report July 5Read 3^o July 7l. Read 1^o (Earl Granville) July 8 (No. 123)**TAYLOR, Mr. P. A., Leicester Bo.**

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Tipperary Boroughs Bill

(Mr. Moore, Mr. P. J. Smyth)

c. Ordered; read 1^o June 25 [Bill 249]**TOTTENHAM, Mr. A. L., Leitrim**

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Relief of Distress (Ireland) Act (1880) Amendment, Comm. cl. 2, 1450, 1452

Town Councils (Aldermen) Bill

(Mr. James, Lord Ramsey, Mr. Dillon)

c. Moved, "That the Bill be now read 2^o" June 16, 115

Amendt. to leave out "now," and add "upon this day three months" (Mr. Gourley); Question proposed, "That 'now' do.;" after debate, Question put; A. 134, N. 48; M. 86 (D. L. 24)

Main Question put, and agreed to; Bill read 2^o [Bill 133]**Tramways Orders Confirmation (No. 1) Bill**

(Mr. Ashley, Mr. Chamberlain)

c. Report^o June 29 [Bill 173]Report^o July 6Considered^o July 7**Tramways Orders Confirmation (No. 2) Bill**

(Mr. Ashley, Mr. Chamberlain)

c. Report^o June 29 [Bill 174]Report^o July 6Considered^o July 7**Treaty of Berlin****MISCELLANEOUS QUESTIONS**

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Moved, "That an humble Address be presented to Her Majesty for Copy of the Instructions to Mr. Goschen" (*The Lord Stratheden and Campbell*) June 17, 165; after short debate, Motion withdrawn

Turnpike Acts Continuance Bill

(*Mr. Hibbert, Mr. Dodson*)

c. Ordered; read 1^o July 7 [Bill 260]

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Union Assessment Committee (Single Parishes) Bill

(*Mr. Hibbert, Mr. Dodson*)

c. Read 2^o June 18 [Bill 212]

Committee*; Report June 24

Read 3^o June 25

l. Read 1^o (*Viscount Enfield*) June 28 (No. 104)

Read 2^o July 6, 1731

Committee*; Report July 8

Universities and College Estates Act Amendment Bill [M.L.]

(*The Lord Chancellor*)

l. Presented; read 1^o June 21 (No. 92)

Read 2^o June 24

Committee* June 28

Report* June 29

Read 3^o July 2

c. Read 1^o (*Secretary Sir William Harcourt*) July 7 [Bill 257]

Universities of Oxford and Cambridge (Limited Tenures) Bill [M.L.]

(*The Lord Chancellor*)

l. Presented; read 1^o June 21 (No. 91)

Read 2^o June 24

Committee* June 28

Report* June 29

Read 3^o July 2

c. Read 1^o (*Secretary Sir William Harcourt*) July 7 [Bill 256]

Vaccination Acts Amendment Bill

(*Mr. Dodson, Mr. Hibbert*)

c. Ordered* June 15

Read 1^o June 16

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c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" June 21, 522; after short debate, Question put, and agreed to; Committee—R.P. [Bill 211]

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ERRATUM.

The sentence towards the bottom of Page 850—"Very probably words will be quoted from speeches of my right hon. Friend (Mr. Gladstone) separating the fact from the fiction," *should read*—"Very probably words will be quoted from speeches of my right hon. Friend (Mr. Gladstone) separating the past from the future."

END OF VOLUME CCLIII., AND SECOND VOLUME
OF SECOND SESSION 1880.

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